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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

48 CFR Parts 1602, 1615, 1632, and 1652

RIN 3206–AM39

Federal Employees Health Benefits Program: New Premium Rating Method for Most Community Rated Plans

AGENCY: U.S. Office of Personnel Management.

ACTION: Interim final rule with request for comments.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing an interim final regulation amending the Federal Employees Health Benefits (FEHB) regulations and also the Federal Employees Health Benefits Acquisition Regulation (FEHBAR). This interim final regulation replaces the procedure by which premiums for community rated FEHB carriers are compared with the rates charged to a carrier's similarly sized subscriber groups (SSSGs). This new procedure utilizes a medical loss ratio (MLR) threshold, analogous to that defined in both the Affordable Care Act (ACA, Pub. L. 111–148) and the Department of Health and Human Services (HHS) interim final regulation published December 1, 2010 (75 FR 74864). The purpose of this interim final rule is to replace the outdated SSSG methodology with a more modern and transparent calculation while still ensuring that the FEHB is receiving a fair rate. This will result in a more streamlined process for plans and increased competition and plan choice for enrollees. The new process will apply to all community rated plans, except those under traditional community rating (TCR). This new process will be phased in over two years, with optional participation for non-TCR plans in the first year.

DATES: This interim final rule is effective July 25, 2011. Comments are due on or before August 22, 2011.

FOR FURTHER INFORMATION CONTACT: Louise Dyer, Senior Policy Analyst, (202) 606–0770, or by e-mail to *Louise.Dyer@opm.gov.*

SUPPLEMENTARY INFORMATION: The Office of Personnel Management is issuing an interim final regulation to establish a new rate-setting procedure for most FEHB plans that are subject to community rating. Currently, a carrier's rates for its community rated FEHB plans are compared with the rates the carrier charges to its similarly sized subscriber groups (SSSGs) during a reconciliation process in the plan year. This interim final regulation replaces this SSSG process with a requirement that most community rated plans meet an FEHB-specific medical loss ratio (MLR) target. Plans that are required to use traditional community rating (TCR) per their state regulator will be exempt from this new rate-setting procedure. This MLR-based rate setting process will ensure the Government and Federal employees are receiving a fair market rate and a good value for their premium dollars.

ACA Medical Loss Ratio Requirement

Effective for 2011, most health insurance policies, including those issued under FEHB, are required to meet a medical loss ratio standard set forth in Federal law, or pay rebates to the individuals insured. This MLR requirement was enacted in the ACA in a new section 2718 of the Public Health Service Act titled ''Bringing Down the Cost of Health Care Coverage,'' and is intended to control health care costs by limiting the percentage of premium receipts that can be used for non-claim costs (costs for purposes other than providing care or improving the quality of care). The details of this ACA-required MLR formula comparing non-claim costs to overall expenditures were promulgated in an HHS interim final regulation published in the **Federal Register** on December 1, 2010 (75 FR 74864). Non-claim costs include plan administration costs, marketing costs, and profit. ACA requires that health insurance issuers, beginning in calendar year 2011, meet an MLR of 85% for large groups, (*i.e.,* non-claim costs may not exceed 15%. If an issuer does not meet the MLR target, it must pay a premium rebate.

FEHB-Specific MLR Threshold

Under this OPM regulation, in addition to being subject to the ACA-required MLR, most FEHB community rated plans will be required to meet an FEHB-specific MLR threshold for the annual rates negotiated for their federal enrollment. This new requirement will be included in 48 CFR 1615.402(c)(3)(b) and will be phased in over two years. If the plan falls below the FEHB-specific MLR threshold, the plan must pay a subsidization penalty into a newly established Subsidization Penalty Account (defined in 5 CFR 890.503(c)(6)). The FEHB-specific MLR threshold will be set in OPM's annual rate instructions to FEHB plans published in the spring of each year, rather than by regulation. If the plan has met or exceeded the FEHB-specific MLR threshold, there is no exchange of funds or adjustment of premiums necessary.

This rule establishes a process, in 48 CFR 1615.402(c)(3)(b), by which FEHB community rated plans (other than plans using TCR) will calculate and submit the MLR for their FEHB plans. This process will take place after the end of the plan year and after the carrier has calculated and submitted to HHS the ACA-required MLR. Under this regulation, premium rates for community rated plans will continue to be negotiated prior to the plan year based on the plan's community rating methodology. There will continue to be a reconciliation process starting April 30 of the plan year to update any new information received after rates were set but prior to January 1 of the plan year, including book rates filed with the state. Once SSSGs have been phased out, most community rated plans will no longer be required to submit SSSG information and the reconciliation process will not include comparison with SSSGs. Instead of the SSSG comparison, there will be a separate settlement with OPM after the end of the plan year based on the FEHB-specific MLR threshold.

OPM will base its MLR definitions on the HHS Interim Final Rule of December 1, 2010 (75 FR 74864). However, while the HHS MLR will be calculated as a three-year sum, the FEHB-specific MLR threshold will be calculated on a one-year basis to be consistent with the

annual renegotiation of FEHB premiums. The HHS interim final regulation allows for a credibility adjustment for the ''special circumstance of smaller plans, which do not have sufficient experience to be statistically valid for purposes of the rebate provisions.'' The FEHB-specific MLR threshold calculation may also include a credibility adjustment, but, if used, the threshold will be lower, due to the relative small size of FEHB enrollee populations. The FEHB-specific MLR threshold target may be different from the ACA large group MLR of 85%. In calculating the FEHB-specific MLR threshold, plans will be aggregated as defined in that year's annual rate instructions issued to carriers.

The use of an FEHB-specific MLR threshold in FEHB community rate setting will allow for the removal of SSSGs for non-TCR plans while preserving incentives for carriers to provide health insurance that is affordable and that has appropriate controls on administrative overhead. In recent years, there have been a declining number of fully insured plans in the commercial market. Carriers are increasingly unable to find groups similarly sized to the FEHB group for comparison and are withdrawing from the program as a result.

This OPM regulation requires that the FEHB-specific MLR threshold calculation take place after the ACA-required MLR calculation and any rebate amounts due to the FEHB as a result of the ACA-required calculation will not be included in the FEHB-specific MLR threshold calculation. The HHS interim final MLR rule requires health insurance issuers to submit their MLR calculation by June 1 of the year following the MLR reporting year. Issuers must report information related to earned premiums and expenditures in various categories, including reimbursement for clinical services provided to enrollees, activities that improve health care quality, and all other non-claims costs. The HHS interim final regulation specifies that the report will include claims incurred in the MLR reporting year and paid through March of the following year.

To complete the FEHB-specific MLR threshold calculation after the carrier calculated the ACA-required MLR, FEHB carriers will report claims incurred in the plan year and paid through March 31 of the following year. FEHB carriers will report the same categories of information for the FEHB-specific MLR threshold calculation as reported for the ACA-required MLR calculation; however, the FEHB-specific MLR threshold calculation data will be based only on the FEHB population of the health plan. Data will be reported to OPM with the rate filing for the year following the MLR reporting year. Specific dates for reporting MLR will be included in the rate instructions which are typically released in April of each year.

Under the current SSSG methodology, adjustments due to SSSG discounts are either deposited into plan-specific contingency reserve accounts or factored into reduced premiums for enrollees in the following plan year. Under this rule, if the FEHB-specific MLR threshold calculation process requires an FEHB carrier to pay a subsidization penalty, it will not be deposited into its own contingency reserve fund but will instead be deposited into a Subsidization Penalty Account established in the U.S. Treasury by OPM for this purpose. These funds will be annually distributed, on a pro-rata basis, to the contingency reserves of all non-TCR community rated plans' contingency reserves.

Issuers failing to meet the FEHB-specific MLR threshold must make any subsidization penalty payment within 60 days of notification of amounts due. This payment would take place via wire transfer, similar to the way carriers make payments required by the current reconciliation process. In the case of carrier non-compliance, this interim final rule includes authority for OPM to garnish premium payments to the carrier in 1632.170(a)(3).

As stipulated in Section 8910 of Title 5 of the US Code, OPM will include a provision in contracts with carriers that requires the carrier to:

- Furnish reasonable reports to OPM to enable it to carry out its functions under this chapter.
- Permit OPM and GAO to examine records, including those from affiliates and vendors, as may be necessary to carry out the purpose of this chapter.

Under this regulation, the new methodology becomes effective for all non-TCR plans for the 2013 plan year. For the 2012 plan year, all non-TCR health plans have an option of either: (1) Following the SSSG requirements as currently stated and providing OPM the FEHB-specific 2011 and 2012 MLR threshold calculation by the date specified in the 2012 annual instructions; or (2) moving to the FEHB-specific MLR threshold calculation with no requirement to submit SSSG information after 2012. The FEHB-specific MLR threshold for plans choosing the second option for 2012 will be set similar to the average MLR of FEHB's experience rated plans. OPM expects to set the FEHB-specific MLR threshold for 2013 and beyond at a reasonable level consistent with the MLR that community rated plans are currently achieving under the SSSG mechanism, but no lower than 85 percent. For those plans that stay under the SSSG methodology, there would be no financial impact to the plans from this regulation in the 2012 plan year. Community rated FEHB plans that are required by state law to use TCR will be required to continue using the SSSG methodology.

Background

There are two methods of determining premium rates for FEHB plans: Community rating and experience-rating. This regulatory change will apply to those FEHB plans that are subject to community rating. Under current regulation, the community rated plan premiums are compared to the premiums of SSSGs to ensure that FEHB receives the lowest available premium rate.

TCR plans are those that set the same rates for all groups in a community regardless of the health risks and other characteristics of any specific group. Under TCR, an FEHB group must be charged the same premium as all other groups in the area that receive the same set of benefits. Healthier groups subsidize the less healthy groups that use more health services. This subsidization is by design, and the health plan cannot adjust premiums for a specific group to reflect the percentage of premium revenue used for claim costs versus administration. Therefore, OPM believes it inappropriate to impose an MLR-based premium rating methodology on those FEHB plans that use TCR. Currently, the only FEHB plans that use TCR are those operating in states that require it.

Under current regulations, the premiums for community rated FEHB plans are negotiated with OPM the August before the plan year begins on January 1. Those negotiated rates are based on comparable rates offered to other plans in the community, with some plans adjusting for age, gender, and health risks of the community. Beginning in April of the plan year, OPM conducts a reconciliation process to update any change in rate assumptions that occurred after rates were set but before January 1 of the plan year, such as new book rates filed in the state in which the plan is issued. During this reconciliation process, each FEHB community rated plan determines the two appropriate employer-based subscriber groups that will serve as SSSGs for comparison. If a plan has

provided a discounted rate to one of the SSSGs, the plan must match that discount in the rate provided to FEHB. SSSGs are defined in FEHBAR at 48 CFR 1602.170–13.

The FEHB Program has experienced a decline in the number of participating HMO plans in part due to concerns with the comparison of rates to SSSGs. OPM's goal is to offer Federal employees, annuitants and their families a broad choice of health insurance plans. To that end, where there are significant barriers to entry or aspects of the program that increase risk beyond an acceptable level for carriers, OPM is taking steps to mitigate risks and eliminate barriers to entry.

The current methodology involving SSSG comparison has been cited by some health plans as creating uncertainty and risk in the FEHB Program. Uncertainty and risk have increased over the years as employers have moved away from offering fully-insured products with community rates for their employees. This trend has resulted in fewer appropriately-sized employer groups that can be used in the SSSG calculation. Under the current methodology, SSSGs are sometimes much smaller than the FEHB group, diverging from the original intent of the regulation. There are several cases in which FEHB groups are compared to groups much less than half their size for the purpose of rate determination.

Waiver of Proposed Rulemaking

OPM has determined that it would be impracticable, unnecessary, and contrary to the public interest to delay putting the provisions of this interim final regulation in place until a public notice and comment process has been completed. Under section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) a general notice of proposed rulemaking is not required when an agency, for good cause, finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest. FEHB plans must be in possession of full information about OPM's rating methodology prior to May 31, 2011 in order to submit proposals for the 2012 plan year. In the absence of the option of a new rating methodology, FEHB plans have indicated they may discontinue participation in FEHB. Fewer participating FEHB plans would constrain competition and limit choice for FEHB enrollees. This OPM interim final regulation was completed as quickly as possible following the publication of the regulatory definition of medical loss ratio by HHS in December 2010, upon which this rule relies. Further, plans have the option of subjecting themselves to the existing rating methodology during the 2012 plan year, should they choose to do so. Therefore, we find good cause to waive the notice of proposed rulemaking and to issue this final rule on an interim basis, including a 30-day public comment period.

Regulatory Impact Analysis

OPM has examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review) and Executive Order 13563, which directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects of $100 million or more in any one year. This rule is not considered a major rule because OPM estimates that premiums paid by Federal employees and agencies will be very similar under the old and new payment methodologies. This rule will be cost-neutral. OPM's intention is to keep FEHB premiums stable and sustainable using this more transparent methodology.

List of Subjects

5 CFR Part 890

Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Military personnel, Reporting and recordkeeping requirements, Retirement.

48 CFR Parts 1602, 1615, 1632, and 1652

Government employees, Government procurement, Health insurance, Reporting and recordkeeping requirements.

U.S. Office of Personnel Management.

John Berry,

Director.

For the reasons set forth in the preamble, OPM amends part 890 of title 5 CFR and chapter 16 of title 48 CFR (FEHBAR) as follows:

TITLE 5—ADMINISTRATIVE PERSONNEL

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Subpart E—Contributions and Withholdings

■ 1. The authority citation for subpart E of part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.303 also issued under Sec. 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; Subpart L also issued under Sec. 599C of Public Law 101–513, 104 Stat. 2064, as amended; Sec. 890.102 also issued under Secs. 11202(f), 11232(e), 11246(b) and (c) of Public Law 105–33, 111 Stat. 251; Sec. 721 of Public Law 105–261, 112 Stat. 2061 unless otherwise noted; Sec. 890.111 also issued under Sec. 1622(b) of Public Law 104–106, 110 Stat. 515.

■ 2. Add § 890.503(c)(6) to read as follows:

§ 890.503 Reserves.

* * * * *

(c) * * *

(6) *Subsidization penalty reserve.* This reserve account shall be credited with all subsidization penalties levied against community rated plans outlined in 48 CFR 1615.402(c)(3)(b)(2). The funds in this account shall be annually distributed to the contingency reserves of all community rated plans subject to the FEHB-specific medical loss ratio threshold on a pro-rata basis. The funds will not be used for one specific carrier or plan.

TITLE 48—FEDERAL ACQUISITION REGULATIONS SYSTEM

CHAPTER 16—OFFICE OF PERSONNEL MANAGEMENT FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION

Subchapter A—General

PART 1602—DEFINITIONS OF WORDS AND TERMS

■ 3. The authority citation for part 1602 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

■ 4. § 1602.170–2(b) is revised to read as follows:

§ 1602.170–2 Community rate.

* * * * *

(b) *Adjusted community rate* means a community rate which has been adjusted for expected use of medical resources of the FEHBP group. An adjusted community rate is a prospective rate and cannot be retroactively revised to reflect actual experience, utilization, or costs of the

FEHBP group, except as described in § 1615.402(c)(4).

■ 5. § 1602.170–5(b) is revised to read as follows:

§ 1602.170–5 Cost or pricing data.

* * * * *

(b) *Community rated carriers.* Cost or pricing data for community rated carriers is the specialized rating data used by carriers in computing a rate that is appropriate for the Federal group and similarly sized subscriber groups (SSSGs). Such data include, but are not limited to, capitation rates; prescription drug, hospital, and office visit benefits utilization data; trend data; actuarial data; rating methodologies for other groups; standardized presentation of the carrier's rating method (age, sex, etc.) showing that the factor predicts utilization; tiered rates information; ''step-up'' factors information; demographics such as family size; special benefit loading capitations; and adjustment factors for capitation. After the 2012 plan year, reconciled rates for community rated carriers, other than those required by state law to use Traditional Community Rating (TCR), will be required to meet an FEHB-specific medical loss ratio threshold published annually in OPM's rate instructions to FEHB carriers.

■ 6. Redesignate §§ 1602.170–13 through 1602.170–15 as §§ 1602.170–14 through 1602.170–15 respectively.

■ 7. Add new § 1602.170–14 to read as follows:

§ 1602.170–14 FEHB-specific medical loss ratio threshold calculation.

(a) *Medical loss ratio* (MLR) means the ratio of plan incurred claims, including the issuer's expenditures for activities that improve health care quality, to total premium revenue determined by OPM, as defined by the Department of Health and Human Services.

(b) The FEHB-specific MLR will be calculated on an annual basis, with the prior year's ratio having no effect on the current plan year. This FEHB-specific MLR will be measured against an FEHB-specific MLR threshold to be put forth by OPM in the annual rate instruction letter to FEHB carriers.

(c) OPM will set a credibility adjustment to account for the special circumstances of small FEHB plans in annual rate instructions to carriers.

Subchapter C—Contracting Methods and Contract Types

PART 1615—CONTRACTING BY NEGOTIATION

■ 7. The authority citation for part 1615 continues to read as follows:

Authority: Audit and records—5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301. Negotiation—5 U.S.C. 8902.

■ 8. Revise § 1615.402(c)(3) to read as follows:

§ 1615.402 Pricing policy.

* * * * *

(c) * * *

(3) For plan year 2012, plans will have the option of continuing to use the similarly sized subscriber group (SSSG) rating methodology described in paragraph (c)(3)(i) of this section or using the MLR rating methodology described in paragraph (c)(3)(ii) of this section. All non-traditional community rated (TCR) plans will be required to submit FEHB-specific MLR information for every year beginning with plan year 2011.

(i) *Similarly sized subscriber group (SSSG) methodology.* (A) For contracts with 1,500 or more enrollee contracts for which the FEHB Program premiums for the contract term will be at or above the threshold at FAR 15.403–4(a)(1), OPM will require the carrier to provide the data and methodology used to determine the FEHB Program rates. OPM will also require the data and methodology used to determine the rates for the carrier's SSSGs. The carrier will provide cost or pricing data required by OPM in its rate instructions for the applicable contract period. OPM will evaluate the data to ensure that the rate is reasonable and consistent with the requirements in this chapter. If necessary, OPM may require the carrier to provide additional documentation.

(B) Contracts will be subject to a downward price adjustment if OPM determines that the Federal group was charged more than it would have been charged using a methodology consistent with that used for the SSSGs. Such adjustments will be based on the lower of the two rates determined by using the methodology (including discounts) the carrier used for the two SSSGs.

(C) FEHB Program community-rated carriers will comply with SSSG criteria provided by OPM in the rate instructions for the applicable contract period.

(ii) *FEHB-specific medical loss ratio (MLR) threshold methodology.* (A) For contracts with 1,500 or more enrollee contracts for which the FEHB Program premiums for the contract term will be at or above the threshold at FAR 15.403–4(a)(1), OPM will require the carrier to provide the data and methodology used to determine the FEHB Program rates. OPM will also require the data and methodology used to determine the medical loss ratio (MLR) as defined in the ACA (Public Law 111–148) and as defined by HHS in implementing regulations for all FEHB community rated plans other than those required by state law to use Traditional Community Rating. The carrier will provide cost or pricing data, as well as the FEHB-specific MLR threshold data required by OPM in its rate instructions for the applicable contract period. OPM will evaluate the data to ensure that the rate is reasonable and consistent with the requirements in this chapter. If necessary, OPM may require the carrier to provide additional documentation.

(B) Contracts will be subject to a subsidization penalty if OPM determines that the FEHB group did not meet the FEHB-specific MLR threshold specified in the annual rate instruction to carriers. Such a subsidization penalty will be deposited into a Subsidization Penalty Account held at the U.S. Treasury. This Subsidization Penalty Account will be held in common with all community rated carriers and will be annually distributed to the contingency reserve accounts of all non-TCR community rated plans on a pro-rata basis.

(C) FEHB Program community-rated carriers will comply with the MLR criteria, including the FEHB-specific MLR threshold provided by OPM in the rate instructions for the applicable contract period. FEHB plans that are required by state law to use TCR are exempt from this requirement and will use the SSSG methodology outlined in of this section (c)(3)(i) of this section.

* * * * *

■ 9. Revise § 1615.406–2 to read as follows:

§ 1615.406–2 Certificate of accurate cost or pricing data for community rated carriers.

The contracting officer will require a carrier with a contract meeting the requirements in 1615.402(c)(2) or 1615.402(c)(3) to execute the Certificate of Accurate Cost or Pricing Data contained in this section. A carrier with a contract meeting the requirements in 1615.402(c)(2) will complete the Certificate and keep it on file at the carrier's place of business in accordance with 1652.204–70. A carrier with a contract meeting the requirements in 1615.402(c)(3) will submit the Certificate to OPM along with its rate reconciliation, which is submitted during the first quarter of the applicable contract year.

(Beginning of certificate)

Certificate of Accurate Cost or Pricing Data for Community-Rated Carriers

This is to certify that, to the best of my knowledge and belief: (1)(a) The cost or

pricing data submitted (or, if not submitted, maintained and identified by the carrier as supporting documentation) to the Contracting officer or the Contracting officer's representative or designee, in support of the ____*FEHB Program rates were developed in accordance with the requirements of 48 CFR Chapter 16 and the FEHB Program contract and are accurate, complete, and current as of the date this certificate is executed; and (b) the methodology used to determine the FEHB Program rates is consistent with the methodology used to determine the rates for the carrier's Similarly Sized Subscriber Groups if complying with § 1602.170–13a.

or

(c) The determination of the carrier's FEHB-specific medical loss ratio for ** is accurate, complete, and consistent with the methodology as stated in § 1615.402(c)(3)(b) if complying with § 1602.170–13b.

* Insert the year for which the rates apply. Normally, this will be the year for which the rates are being reconciled.

** Insert the year for which the MLR calculation applies. Normally, this will be the year before the year being reconciled.

Firm: _____

Name: _____

Signature: _____

Date of Execution _____

(End of certificate)

Subchapter E—General Contracting Requirements

PART 1632—CONTRACT FINANCING

■ 10. The authority citation for part 1632 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

■ 11. Add § 1632.170(a)(3) to read as follows:

§ 1632.170 Recurring premium payments to carriers.

(a) * * *

(3) Any subsidization penalty levied against a community rated plan as outlined in 48 CFR 1615.402(c)(3)(ii)(B) must be paid within 60 days from notification. If payment is not received within the 60 day period, OPM will withhold from the community rated carriers the periodic premium payment payable until fully recovered. OPM will deposit the withheld funds in the subsidization penalty reserve described in 5 CFR 890.503(c)(6).

* * * * *

Subchapter H—Clauses and Forms

PART 1652—CONTRACT CLAUSES

■ 12. The authority citation for part 1652 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

■ 13. Revise 1652.216–70(b)(2) though (b)(5) as follows:

§ 1652.216–70 Accounting and price adjustment.

* * * * *

(b) * * *

(2) The subscription rates agreed to in this contract shall be based on paragraphs (b)(2)(i) or (ii) of this clause. Effective January 1, 2013 all community rated plans must base their rating methodology on the medical loss ratio (MLR) threshold described in paragraph (b)(2)(i) of this clause unless traditional community rating is mandated in the state where they are domiciled:

(i) The subscription rates agreed to in this contract shall meet the FEHB-specific MLR threshold as defined in FEHBAR 1602.170–13b. The ratio of a plan's incurred claims, including the issuer's expenditures for activities that improve health care quality, to total premium revenue shall not be lower than the FEHB-specific MLR threshold published annually by OPM in its rate instructions.

(ii) The subscription rates agreed to in this contract shall be equivalent to the subscription rates given to the carrier's similarly sized subscriber groups (SSSGs) as defined in FEHBAR 1602.170–13a. The subscription rates shall be determined according to the carrier's established policy, which must be applied consistently to the FEHBP and to the carrier's SSSGs. If an SSSG receives a rate lower than that determined according to the carrier's established policy, it is considered a discount. The FEHBP must receive a discount equal to or greater than the carrier's largest SSSG discount.

(3) If the rates are determined by SSSG comparison, then:

(i) If, at the time of the rate reconciliation, the subscription rates are found to be lower than the equivalent rates for the lower of the two SSSGs, the carrier may include an adjustment to the Federal group's rates for the next contract period, except as noted in paragraph (b)(3)(iii) of this clause.

(ii) If, at the time of the rate reconciliation, the subscription rates are found to be higher than the equivalent rates for the lower of the two SSSGs, the carrier shall reimburse the Fund, for example, by reducing the FEHB rates for the next contract term to reflect the difference between the estimated rates and the rates which are derived using the methodology of the lower rated SSSG, except as noted in paragraph (b)(3)(iii) of this clause.

(iii) Carriers may provide additional guaranteed discounts to the FEHBP that are not given to SSSGs. Any such guaranteed discounts must be clearly identified as guaranteed discounts. After the beginning of the contract year for which the rates are set, these guaranteed FEHBP discounts may not be adjusted.

(4) If rates are determined by comparison with the FEHB-specific MLR threshold, then if the MLR for the carrier's FEHB plan is found to be lower than the published FEHB-specific MLR threshold, the carrier must pay a subsidization penalty into a subsidization penalty account.

(5) The following apply to community rated plans, regardless of the rating methodology:

(i) No upward adjustment in the rate established for this contract will be allowed or considered by the Government or will be made by the Carrier in this or in any other contract period on the basis of actual costs incurred, actual benefits provided, or actual size or composition of the FEHBP group during this contract period.

(ii) For contract years beginning on or after January 1, 2009, in the event this contract is not renewed, the final rate reconciliation will be performed. The carrier must promptly pay any amount owed to OPM. Any amount recoverable by the carrier is limited to the amount in the contingency reserve for the terminating plan as of December 31 of the terminating year.

(iii) Carriers may not impose surcharges (loadings not defined based on an established rating method) on the FEHBP subscription rates or use surcharges in the rate reconciliation process in any circumstance.

[FR Doc. 2011–15602 Filed 6–22–11; 8:45 am]

BILLING CODE 6325–64–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM447; Special Conditions No. 25–436–SC]

Special Conditions: Gulfstream Model GVI Airplane; Electronic Systems Security Isolation or Protection From Unauthorized Passenger Systems Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Gulfstream GVI airplane. This airplane will have novel or unusual design features associated with connectivity of the passenger domain computer systems to the airplane

critical systems and data networks. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* July 25, 2011.

FOR FURTHER INFORMATION CONTACT: Will Struck, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Standards Staff, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2764; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 2005, Gulfstream Aerospace Corporation (hereafter referred to as ''Gulfstream'') applied for an FAA type certificate for its new Gulfstream Model GVI passenger airplane. Gulfstream later applied for, and was granted, an extension of time for the type certificate, which changed the effective application date to September 28, 2006. The Gulfstream Model GVI airplane will be an all-new, two-engine jet transport airplane. The maximum takeoff weight will be 99,600 pounds, with a maximum passenger count of 19 passengers.

Type Certification Basis

Under provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Gulfstream Model GVI airplane (hereafter referred to as ''the GVI'') meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–119, 25–122, and 25–124. If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the GVI because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design features, the special conditions would also apply to the other model under provisions of § 21.101.

In addition to complying with the applicable airworthiness regulations and special conditions, the GVI must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. The FAA must also issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Gulfstream Model GVI airplane will incorporate the following novel or unusual design features: Digital systems architecture composed of several connected networks. The proposed architecture and network configuration may be used for, or interfaced with, a diverse set of functions, including:

1. Flight-safety related control, communication, and navigation systems (aircraft control domain),
2. Airline business and administrative support (airline information domain),
3. Passenger information and entertainment systems (passenger entertainment domain), and
4. The capability to allow access to or by external sources.

Discussion

The GVI integrated network configuration may allow increased connectivity with external network sources and will have more interconnected networks and systems, such as passenger entertainment and information services, than previous Gulfstream airplane models. This may allow the exploitation of network security vulnerabilities and increase risks potentially resulting in unsafe conditions for the airplane and its occupants.

This potential exploitation of security vulnerabilities may result in intentional or unintentional destruction, disruption, degradation, or exploitation of data and systems critical to the safety and maintenance of the airplane. The existing regulations and guidance material did not anticipate these types of system architectures. Furthermore, 14 CFR regulations and current system safety assessment policy and techniques do not address potential security vulnerabilities which could be exploited by unauthorized access to airplane networks and servers. Therefore, these special conditions and a means of compliance are being issued to ensure that the security (*i.e.,* confidentiality, integrity, and availability) of airplane systems is not compromised by unauthorized wired or wireless electronic connections between airplane systems and networks and the passenger entertainment domain.

Discussion of Comments

Notice of proposed special conditions No. 25–11–06–SC for Gulfstream GVI airplanes was published in the **Federal Register** on February 25, 2011 (76 FR 10528). Only one comment was received, which was supportive, so these special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Gulfstream Model GVI airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the GVI. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type certification basis for Gulfstream GVI airplanes.

The design must isolate or provide protection from any inadvertent or malicious change to, and any adverse effect on any systems, software, or data in the aircraft control domain or airline information domain from any point within the passenger entertainment domain.

Issued in Renton, Washington, on June 13, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–15705 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM448; Special Conditions No. 25–437–SC]

Special Conditions: Gulfstream Model GVI Airplane; Electronic Systems Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Gulfstream GVI airplane. This airplane will have novel or unusual design features associated with the architecture and connectivity capabilities of the airplane's computer systems and networks, which may allow access by external computer systems and networks. Connectivity by external systems and networks may result in security vulnerabilities to the airplane's systems. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* July 25, 2011.

FOR FURTHER INFORMATION CONTACT: Will Struck, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Standards Staff, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2764; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 2005, Gulfstream Aerospace Corporation (hereafter referred to as ''Gulfstream'') applied for an FAA type certificate for its new Gulfstream Model GVI passenger airplane. Gulfstream later applied for, and was granted, an extension of time for the type certificate, which changed the effective application date to September 28, 2006. The Gulfstream Model GVI airplane will be an all-new, two-engine jet transport airplane. The maximum takeoff weight will be 99,600 pounds, with a maximum passenger count of 19 passengers.

Type Certification Basis

Under provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Gulfstream Model GVI airplane (hereafter referred to as ''the GVI'') meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–119, 25–122, and 25–124. If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the GVI because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design features, the special conditions would also apply to the other model under provisions of § 21.101.

In addition to complying with the applicable airworthiness regulations and special conditions, the GVI must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. The FAA must also issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Gulfstream Model GVI airplane will incorporate the following novel or unusual design features: Digital systems architecture composed of several connected networks. The proposed architecture and network configuration may be used for, or interfaced with, a diverse set of functions, including:

1. Flight-safety related control, communication, and navigation systems (aircraft control domain),
2. Airline business and administrative support (airline information domain),
3. Passenger information and entertainment systems (passenger entertainment domain), and
4. The capability to allow access to or by external sources.

Discussion

The proposed Model GVI architecture and network configuration may allow increased connectivity to and access by external airplane sources and airline operations and maintenance systems to the aircraft control domain and airline information domain. The aircraft control domain and airline information domain perform functions required for the safe operation and maintenance of the airplane. Previously these domains had very limited connectivity with external sources.

The architecture and network configuration may allow the exploitation of network security vulnerabilities resulting in intentional or unintentional destruction, disruption, degradation, or exploitation of data, systems, and networks critical to the safety and maintenance of the airplane.

The existing regulations and guidance material did not anticipate these types of airplane system architectures. Furthermore, 14 CFR regulations and current system safety assessment policy and techniques do not address potential security vulnerabilities, which could be exploited by unauthorized access to airplane systems, data buses, and servers. Therefore, these special conditions and a means of compliance are issued to ensure that the security (i.e., confidentiality, integrity, and availability) of airplane systems is not compromised by unauthorized wired or wireless electronic connections.

Discussion of Comments

Notice of proposed special conditions No. 25–11–05–SC for Gulfstream GVI airplanes was published in the **Federal Register** on February 25, 2011 (76 FR 10529). Only one comment was received, which was supportive, so this special condition is adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Gulfstream Model GVI airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the GVI. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type

certification basis for Gulfstream GVI airplanes.

1. The applicant must ensure electronic system security protection for the aircraft control domain and airline information domain from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.

2. The applicant must ensure that electronic system security threats from external sources are identified and assessed, and that effective electronic system security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.

Issued in Renton, Washington, on June 13, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–15706 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM444; Special Conditions No. 25–435–SC]

Special Conditions: Gulfstream Model GVI Airplane; Operation Without Normal Electric Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: The Gulfstream GVI airplane will have numerous electrically operated systems whose function is needed for continued safe flight and landing of the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* July 25, 2011.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Standards Staff, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2432; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 2005, Gulfstream Aerospace Corporation (hereafter referred to as ''Gulfstream'') applied for an FAA type certificate for its new Gulfstream Model GVI passenger airplane. Gulfstream later applied for, and was granted, an extension of time for the type certificate, which changed the effective application date to September 28, 2006. The Gulfstream Model GVI airplane will be an all-new, two-engine jet transport airplane. The maximum takeoff weight will be 99,600 pounds, with a maximum passenger count of 19 passengers.

Type Certification Basis

Under provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Gulfstream Model GVI airplane (hereafter referred to as ''the GVI'') meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–119, 25–122, and 25–124. If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the GVI because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design features, the special conditions would also apply to the other model under provisions of § 21.101.

In addition to complying with the applicable airworthiness regulations and special conditions, the GVI must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. The FAA must also issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The GVI incorporates an electronic flight control system that requires a continuous source of electrical power in order to keep the system operable. Due to rapid improvements in airplane technology, the applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features.

Discussion

The GVI incorporates an electronic flight control system that requires a continuous source of electrical power in order to keep the system operable. The criticality of this system is such that their failure will either reduce the capability of the airplane or the ability of the crew to cope with adverse operating conditions, or prevent continued safe flight and landing of the airplane. The airworthiness standards of part 25 do not contain adequate or appropriate standards for protection of these systems from the adverse effects of operation without normal electrical power.

The current rule, § 25.1351(d), Amendment 25–72, requires safe operation under visual flight rules (VFR) conditions for at least five minutes after loss of all normal electrical power. This rule was structured around traditional airplane designs that used mechanical control cables and linkages for flight control. These manual controls allowed the crew to maintain aerodynamic control of the airplane for an indefinite period of time after loss of all electrical power. Under these conditions, the mechanical flight control system provided the crew with the ability to fly the airplane while attempting to identify the cause of the electrical failure, start the engine(s) if necessary, and reestablish some of the electrical power generation capability, if possible.

To maintain the same level of safety associated with traditional designs, the GVI must be designed for operation with the normal sources of engine and auxiliary power unit (APU) generated electrical power inoperative. Service experience has shown that loss of all electrical power from the airplane's engine and APU driven generators is not extremely improbable. Thus, Gulfstream must demonstrate that the airplane is capable of recovering adequate primary electrical power generation for safe flight and landing.

For compliance purposes, a test demonstration of the loss of normal engine generator must be established such that:

1. The failure condition should be assumed to occur during night instrument meteorological conditions (IMC) at the most critical phase of the flight relative to the electrical power system design and distribution of equipment loads on the system.

2. After the unrestorable loss of normal engine generator power, the airplane engine restart capability must

be provided and operations continued in IMC.

3. The airplane should be demonstrated to be capable of continuous safe flight and landing. The length of time must be computed based on the maximum diversion time capability for which the airplane is being certified. Consideration for speed reductions resulting from the associated failure must be made.

4. Availability of APU operation should not be considered in establishing emergency power system adequacy.

Discussion of Comments

Notice of proposed special conditions No. 25–11–03–SC for Gulfstream GVI airplanes was published in the **Federal Register** on February 14, 2011 (76 FR 8314). Only one comment was received, which was supportive, so these special conditions are adopted as proposed.

Applicability

As discussed above, this special condition is applicable to the Gulfstream Model GVI airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, this special condition would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the GVI. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition is issued as part of the type certification basis for the Gulfstream GVI airplanes.

Since the total loss of normal generated electrical power in two-engine airplanes has not achieved the extremely improbable level, and since the loss of all electrical power may be catastrophic to airplanes utilizing an electronic flight control system, the following special condition is in lieu of 14 CFR 25.1351(d):

It must be demonstrated by test or a combination of test and analysis that the airplane can continue safe flight and landing with inoperative normal engine and APU generator electrical power (electrical power sources excluding the battery and any other standby electrical sources). The airplane operation should be considered at the critical phase of flight and include the ability to restart the engines and maintain flight for the maximum diversion time capability being certified.

Issued in Renton, Washington, on June 13, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–15707 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM442; Special Conditions No. 25–434–SC]

Special Conditions: Gulfstream Model GVI Airplane; Interaction of Systems and Structures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Gulfstream GVI airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features include systems that affect the structural capability of the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* July 25, 2011.

FOR FURTHER INFORMATION CONTACT: Carl Niedermeyer, FAA, Airframe/Cabin Safety Branch, ANM–115, Transport Standards Staff, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2279; electronic mail *carl.niedermeyer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On March 29, 2005, Gulfstream Aerospace Corporation (hereafter referred to as ''Gulfstream'') applied for an FAA type certificate for its new Gulfstream Model GVI passenger airplane. Gulfstream later applied for, and was granted, an extension of time for the type certificate, which changed the effective application date to September 28, 2006. The Gulfstream Model GVI airplane will be an all-new, two-engine jet transport airplane. The maximum takeoff weight will be 99,600 pounds, with a maximum passenger count of 19 passengers.

Type Certification Basis

Under provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Gulfstream Model GVI airplane (hereafter referred to as ''the GVI'') meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–119, 25–122, and 25–124. If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the GVI because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to complying with the applicable airworthiness regulations and special conditions, the GVI must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. The FAA must also issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design features, the special conditions would also apply to the other model under provisions of § 21.101.

Novel or Unusual Design Features

The Gulfstream Model GVI airplane will incorporate novel or unusual design features. These features are systems that may affect the airplane's structural performance, either directly or as a result of failure or malfunction. That is, the airplane's systems affect how it responds in maneuver and gust conditions, and thereby affect its structural capability. These systems may also affect the aeroelastic stability of the airplane. These systems include the GVI's flight control systems, autopilots, stability augmentation systems, load alleviation systems, and fuel

management systems. Such systems represent a novel and unusual feature when compared to the technology envisioned in the current airworthiness standards.

Discussion

Special conditions are needed to require consideration of the effects of systems on the structural capability and aeroelastic stability of the airplane, both in the normal and in the failed state, because these effects are not covered by current regulations.

These special conditions are identical or nearly identical to those previously required for type certification of other transport airplane models. These special conditions were derived initially from standardized requirements developed by the Aviation Rulemaking Advisory Committee (ARAC), comprised of representatives of the FAA, Europe's Joint Aviation Authorities (now replaced by the European Aviation Safety Agency), and industry.

These special conditions require that the airplane meets the structural requirements of Subparts C and D of 14 CFR part 25 when the airplane systems are fully operative. These special conditions also require that the airplane meet these requirements considering failure conditions. In some cases, reduced margins are allowed for failure conditions based on system reliability.

These special conditions establish a level of safety that neither raises nor lowers the standard set forth in the applicable regulations.

In these special conditions and in the current standards and regulations, the term ''any'' is used. Use of this term has traditionally been understood to require that all items covered by the term are addressed, rather than addressing only a portion of the items. The use of the term ''any'' in these special conditions continues this traditional understanding.

Discussion of Comments

Notice of proposed special conditions No. 25–11–02–SC for Gulfstream GVI airplanes was published in the **Federal Register** on February 14, 2011 (76 FR 8316). Only one comment was received.

Clarification of GVI Fuel Management System

The commenter, Gulfstream, agreed with the content of the special conditions, but provided a clarification regarding the GVI airplane's fuel management system. The *Novel or Unusual Design Features* section of the proposed special conditions referenced the fuel management system as an example of a system or function that could affect the airplane's structural performance. Gulfstream stated that the GVI airplane has a simple and conventional two-tank fuel system design so no unusual consideration is required for the fuel management system. Gulfstream did not propose any changes to the special conditions.

We agree with Gulfstream's statement regarding the fuel management system. No change is required and these special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Gulfstream Model GVI airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the GVI. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Gulfstream GVI airplanes.

A. General

The GVI is equipped with systems that affect structural performance, either directly or as a result of a failure or malfunction. The influence of these systems and their failure conditions on structural performance must be taken into account when showing compliance with the requirements of Title 14, Code of Federal Regulations (14 CFR), part 25, Subparts C and D.

1. The following criteria must be used for showing compliance with these special conditions for airplanes equipped with flight control systems, autopilots, stability augmentation systems, load alleviation systems, fuel management systems, and other systems that either directly or as a result of failure or malfunction affect structural performance.

2. The criteria defined herein only address the direct structural consequences of the system responses and performance. They cannot be considered in isolation but should be included in the overall safety evaluation of the airplane. These criteria may in some instances duplicate standards already established for this evaluation. These criteria are only applicable to structure whose failure could prevent continued safe flight and landing. Specific criteria that define acceptable limits on handling characteristics or stability requirements when operating in the system degraded or inoperative mode are not provided in these special conditions.

3. Depending upon the specific characteristics of the airplane, additional studies may be required that go beyond the criteria provided in this special condition in order to demonstrate the capability of the airplane to meet other realistic conditions such as alternative gust or maneuver descriptions for an airplane equipped with a load alleviation system.

4. The following definitions are applicable to these special conditions.

(a) Structural performance: Capability of the airplane to meet the structural requirements of 14 CFR part 25.

(b) Flight limitations: Limitations that can be applied to the airplane flight conditions following an in-flight occurrence and that are included in the flight manual (*e.g.,* speed limitations, avoidance of severe weather conditions, *etc.*).

(c) Operational limitations: Limitations, including flight limitations that can be applied to the airplane operating conditions before dispatch (*e.g.,* fuel, payload, and master minimum equipment list limitations).

(d) Probabilistic terms: The probabilistic terms (probable, improbable, extremely improbable) used in these special conditions are the same as those used in § 25.1309.

(e) Failure condition: The term failure condition is the same as that used in § 25.1309; however, these special conditions apply only to system failure conditions that affect the structural performance of the airplane (*e.g.,* system failure conditions that induce loads, change the response of the airplane to inputs such as gusts or pilot actions, or lower flutter margins).

B. Effects of Systems on Structures

1. *General.* The following criteria will be used in determining the influence of a system and its failure conditions on the airplane structure.

2. *System fully operative.* With the system fully operative, the following apply:

(a) Limit loads must be derived in all normal operating configurations of the

system from all the limit conditions specified in Subpart C (or used in lieu of those specified in Subpart C), taking into account any special behavior of such a system or associated functions or any effect on the structural performance of the airplane that may occur up to the limit loads. In particular, any significant nonlinearity (rate of displacement of control surface, thresholds or any other system nonlinearities) must be accounted for in a realistic or conservative way when deriving limit loads from limit conditions.

(b) The airplane must meet the strength requirements of 14 CFR part 25 (static strength, residual strength), using the specified factors to derive ultimate loads from the limit loads defined above. The effect of nonlinearities must be investigated beyond limit conditions to ensure the behavior of the system presents no anomaly compared to the behavior below limit conditions. However, conditions beyond limit conditions need not be considered when it can be shown that the airplane has design features that will not allow it to exceed those limit conditions.

(c) The airplane must meet the aeroelastic stability requirements of § 25.629.

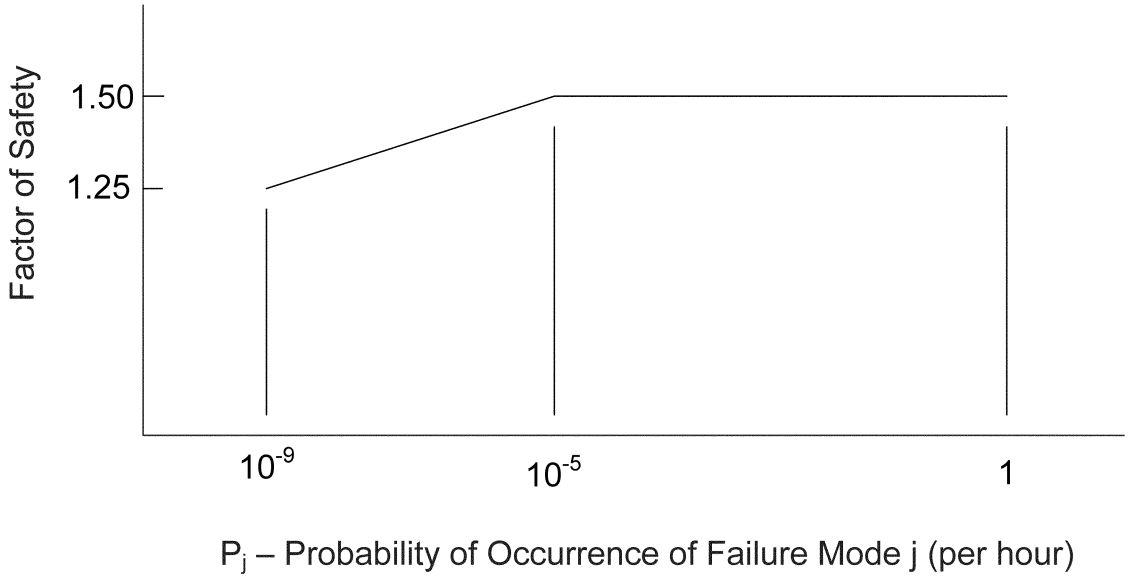
3. *System in the failure condition.* For any system failure condition not shown to be extremely improbable, the following apply:

(a) At the time of occurrence. Starting from 1–g level flight conditions, a realistic scenario, including pilot corrective actions, must be established to determine the loads occurring at the time of failure and immediately after the failure.

(1) For static strength substantiation, these loads multiplied by an appropriate factor of safety that is related to the probability of occurrence of the failure are ultimate loads to be considered for design. The factor of safety (FS) is defined in Figure 1.

Figure 1

Factor of safety at the time of occurrence



(2) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in subparagraph B.3(a)(1) of these special conditions. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(3) Freedom from aeroelastic instability must be shown up to the speeds defined in § 25.629(b)(2). For failure conditions that result in speeds beyond V_C/M_C, freedom from aeroelastic instability must be shown to increased speeds, so that the margins intended by § 25.629(b)(2) are maintained.

(4) Failures of the system that result in forced structural vibrations (oscillatory failures) must not produce loads that could result in detrimental deformation of primary structure.

(b) For the continuation of the flight. For the airplane in the system failed state, and considering any appropriate reconfiguration and flight limitations, the following apply:

(1) The loads derived from the following conditions (or used in lieu of the following conditions) at speeds up to V_C/M_C (or the speed limitation prescribed for the remainder of the flight) must be determined:

(i) The limit symmetrical maneuvering conditions specified in § 25.331 and in § 25.345.

(ii) The limit gust and turbulence conditions specified in § 25.341 and in § 25.345.

(iii) The limit rolling conditions specified in § 25.349 and the limit unsymmetrical conditions specified in § 25.367 and § 25.427(b) and (c).

(iii) The limit yaw maneuvering conditions specified in § 25.351.

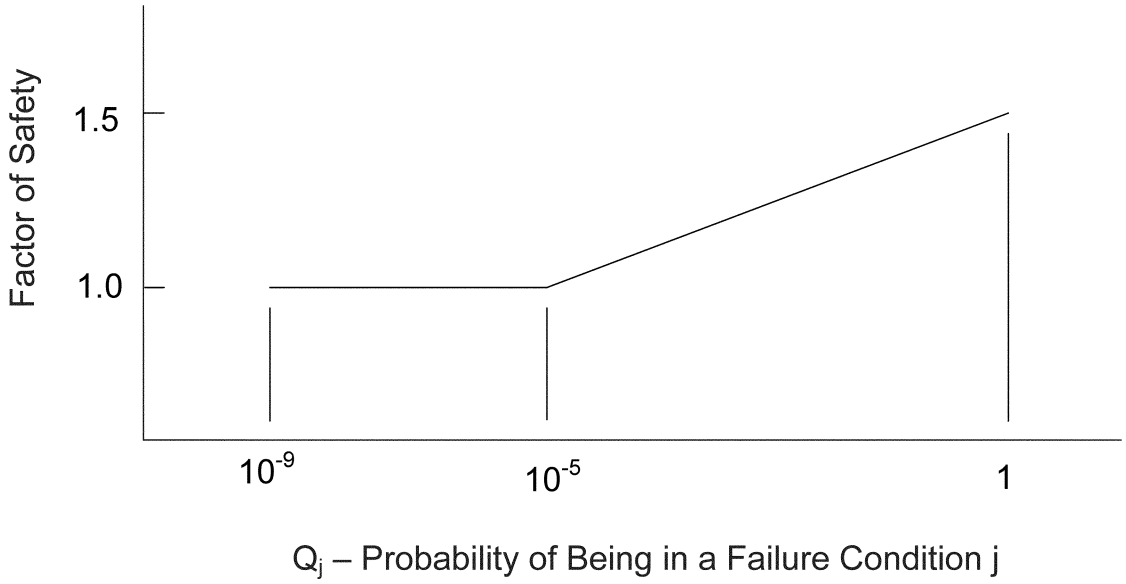
(iv) The limit ground loading conditions specified in § 25.473 and § 25.491.

(2) For static strength substantiation, each part of the structure must be able

to withstand the loads in paragraph B.3(b)(1) of these special conditions, multiplied by a factor of safety depending on the probability of being in this failure state. The factor of safety is defined in Figure 2.

Figure 2

Factor of safety for continuation of flight



Qj = (Tj)(Pj)

Where:

Qj = Probability of being in failure condition j

Tj = Average time spent in failure condition j (in hours)

Pj = Probability of occurrence of failure mode j (per hour)

Note: If Pj is greater than 10^{-3} per flight hour then a 1.5 factor of safety must be applied to all limit load conditions specified in Subpart C.

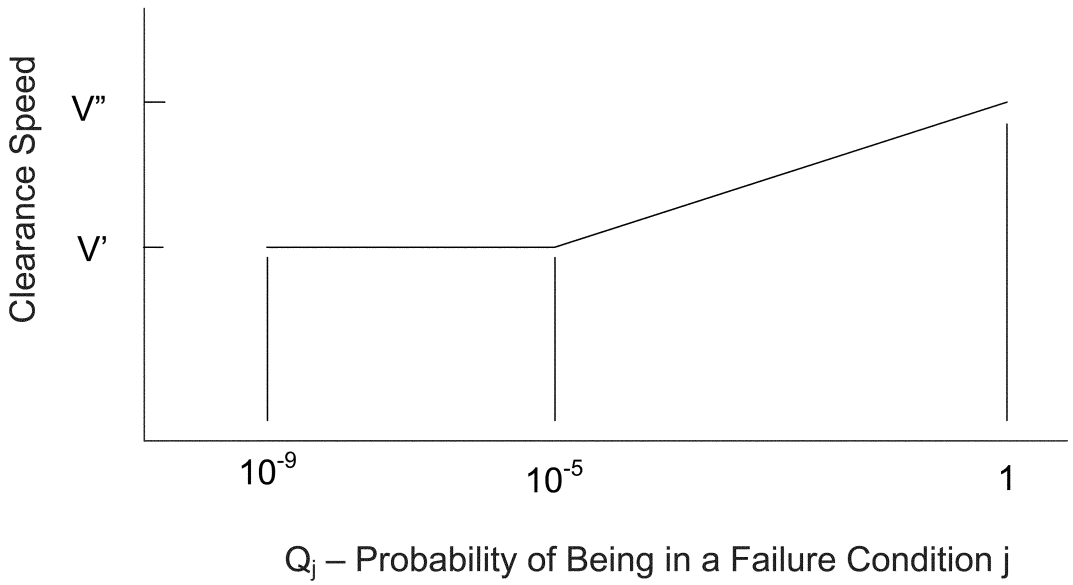
(3) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in paragraph B.3(b)(2) of this special condition. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(4) If the loads induced by the failure condition have a significant effect on fatigue or damage tolerance then their effects must be taken into account.

(5) Freedom from aeroelastic instability must be shown up to a speed determined from Figure 3. Flutter clearance speeds V′ and V″ may be based on the speed limitation specified for the remainder of the flight using the margins defined by § 25.629(b).

Figure 3

Clearance speed



V″ = Clearance speed as defined by § 25.629(b)(1).
V′ = Clearance speed as defined by § 25.629(b)(2).
Qj = (Tj)(Pj) where:
Qj = Probability of being in failure condition j
Tj = Average time spent in failure condition j (in hours)
Pj = Probability of occurrence of failure mode j (per hour)

Note: If Pj is greater than 10^{-3} per flight hour, then the flutter clearance speed must not be less than V″.

(6) Freedom from aeroelastic instability must also be shown up to V′ in Figure 3 above, for any probable system failure condition combined with any damage required or selected for investigation by § 25.571(b).

(c) Consideration of certain failure conditions may be required by other sections of 14 CFR part 25 regardless of calculated system reliability. Where analysis shows the probability of these failure conditions to be less than 10^{-9}, criteria other than those specified in this paragraph may be used for structural substantiation to show continued safe flight and landing.

4. *Failure indications.* For system failure detection and indication, the following apply:

(a) The system must be checked for failure conditions, not extremely improbable, that degrade the structural capability below the level required by 14 CFR part 25 or significantly reduce the reliability of the remaining system. As far as reasonably practicable, the flight crew must be made aware of these failures before flight. Certain elements of the control system, such as mechanical and hydraulic components, may use special periodic inspections, and electronic components may use daily checks, in lieu of detection and indication systems, to achieve the objective of this requirement. These certification maintenance requirements must be limited to components that are not readily detectable by normal detection and indication systems, and where service history shows that inspections will provide an adequate level of safety.

(b) The existence of any failure condition, not extremely improbable, during flight that could significantly affect the structural capability of the airplane and for which the associated reduction in airworthiness can be minimized by suitable flight limitations, must be signaled to the flight crew. For example, failure conditions that result in a factor of safety between the airplane strength and the loads of Subpart C below 1.25, or flutter margins below V″, must be signaled to the crew during flight.

5. *Dispatch with known failure conditions.* If the airplane is to be dispatched in a known system failure condition that affects structural performance, or that affects the reliability of the remaining system to maintain structural performance, then the provisions of these special conditions must be met, including the provisions of paragraph B.2 for the dispatched condition and paragraph B.3 for subsequent failures. Expected operational limitations may be taken into account in establishing Pj as the probability of failure occurrence for determining the safety margin in Figure 1. Flight limitations and expected operational limitations may be taken into account in establishing Qj as the combined probability of being in the dispatched failure condition and the subsequent failure condition for the safety margins in Figures 2 and 3. These limitations must be such that the probability of being in this combined failure state and then subsequently encountering limit load conditions is extremely improbable. No reduction in these safety margins is allowed if the subsequent system failure rate is greater than 1E–3 per hour.

Issued in Renton, Washington, on June 13, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–15704 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM441; Special Conditions No. 25–433–SC]

Special Conditions: Gulfstream Model GVI Airplane; Design Roll Maneuver Requirement for Electronic Flight Controls

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Gulfstream GVI airplane. This airplane will have a novel or unusual design feature associated with an electronic flight control system that provides roll control of the airplane through pilot inputs to the flight computers. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective Date:* July 25, 2011.

FOR FURTHER INFORMATION CONTACT: Carl Niedermeyer, FAA, Airframe/Cabin Safety Branch, ANM–115, Transport Standards Staff, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2279; electronic mail *carl.niedermeyer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On March 29, 2005, Gulfstream Aerospace Corporation (hereafter referred to as ''Gulfstream'') applied for an FAA type certificate for its new Gulfstream Model GVI passenger airplane. Gulfstream later applied for, and was granted, an extension of time for the type certificate, which changed the effective application date to September 28, 2006. The Gulfstream Model GVI airplane will be an all-new, two-engine jet transport airplane. The maximum takeoff weight will be 99,600 pounds, with a maximum passenger count of 19 passengers.

Type Certification Basis

Under provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Gulfstream Model GVI airplane (hereafter referred to as ''the GVI'') meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–119, 25–122, and 25–124. If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the GVI because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to complying with the applicable airworthiness regulations and special conditions, the GVI must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. The FAA must also issue a finding of regulatory adequacy pursuant to section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design features, the special conditions would also apply to the other model under provisions of § 21.101.

Novel or Unusual Design Features

The Gulfstream Model GVI airplane is equipped with an electronic flight control system that provides roll control of the airplane through pilot inputs to the flight computers. The current design roll maneuver requirement for structural loads in 14 CFR part 25 is inadequate for addressing an airplane with electronic flight controls that affect maneuvering. Special conditions are needed to take into account the effects of an electronic flight control system.

Discussion

The GVI is equipped with an electronic flight control system that provides roll control of the airplane through pilot inputs to the flight computers. Current part 25 airworthiness regulations account for ''control laws'' for which aileron deflection is proportional to control wheel deflection. They do not address any nonlinearities [1] or other effects on aileron and spoiler actuation that may be caused by electronic flight controls. Therefore, the FAA considers the flight control system to be a novel and unusual feature compared to those envisioned when the current regulations were adopted. Since this type of system may affect flight loads, and therefore the structural capability of the airplane, special conditions are needed to address these effects.

These special conditions differ from current requirements in that the special conditions require that the roll maneuver result from defined movements of the cockpit roll control as opposed to defined aileron deflections. Also, these special conditions require an additional load condition at design maneuvering speed (V_A), in which the cockpit roll control is returned to neutral following the initial roll input.

Discussion of Comments

Notice of proposed special conditions No. 25–11–01–SC for Gulfstream GVI airplanes was published in the **Federal Register** on February 14, 2011 (76 FR 8319). Only one comment was received, which was supportive, so these special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Gulfstream Model GVI airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features of the GVI. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Gulfstream GVI airplanes.

In lieu of compliance with § 25.349(a), Gulfstream must comply with the following special conditions.

The following conditions, speeds, and cockpit roll control motions (except as the motions may be limited by pilot effort) must be considered in combination with an airplane load factor of zero and of two-thirds of the positive maneuvering factor used in design. In determining the resulting control surface deflections, the torsional flexibility of the wing must be

[1] A nonlinearity is a situation where output does not change in the same proportion as input.

considered in accordance with § 25.301(b):

1. Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time history investigation of the maneuver.

2. At V_A, sudden movement of the cockpit roll control up to the limit is assumed. The position of the cockpit roll control must be maintained until a steady roll rate is achieved and then must be returned suddenly to the neutral position.

3. At V_C, the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than that obtained in paragraph 2.

4. At V_D, the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than one third of that obtained in paragraph 2.

Issued in Renton, Washington, on June 13, 2011.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2011–15708 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2008–0110; Airspace Docket No. 07–ASW–8]

RIN 2120–AA66

Modification of Restricted Areas R–4401A, R–4401B, and R–4401C; Camp Shelby, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies restricted areas R–4401A, R–4401B, and R–4401C, at Camp Shelby, MS, to ensure that aircraft remain within the confines of restricted airspace during high altitude munitions delivery and to enhance the efficient use of airspace in the vicinity of Camp Shelby, MS.

DATES: Effective date 0901 UTC, August 25, 2011.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace, Regulations and ATC Procedures Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

Special Use Airspace (SUA) at Camp Shelby, MS, currently consists of three restricted areas that are layered from the surface up to 29,000 feet MSL. Restricted area R–4401A extends from the surface up to 4,000 feet MSL; R–4401B overlies R–4401A and extends from 4,000 feet MSL up to 18,000 feet MSL; R–4401C overlies A and B and extends from 18,000 feet MSL up to 29,000 feet MSL. Adjacent to the restricted areas are two military operations areas (MOA). The De Soto 1 MOA abuts the north, east and south sides of the restricted areas and extends from 500 feet AGL up to 10,000 feet MSL. The De Soto 2 MOA lies adjacent to the east and south sides of De Soto 1 MOA and extends from 100 feet AGL up to 5,000 feet MSL.

Military Operations Areas (MOA)

MOAs are nonregulatory airspace areas that are established administratively and published in the National Flight Data Digest (NFDD) rather than through rulemaking procedures. MOAs are established to separate or segregate non-hazardous military flight activities from aircraft operating in accordance with instrument flight rules (IFR), and to advise pilots flying under visual flight rules (VFR) where these activities are conducted. IFR aircraft may be routed through an active MOA only by agreement with the using agency and only when air traffic control can provide approved separation from the MOA activity. VFR pilots are not restricted from flying in an active MOA, but they are advised to exercise caution while doing so. Although MOAs are not regulatory airspace actions, the De Soto MOAs are described in this rule because they form an integral part of the Camp Shelby Range airspace area. The MOA changes will be published separately in the NFDD.

History

On Wednesday, February 20, 2008, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Restricted Areas R–4401A, R–4401B and R–4401C at Camp Shelby, MS, by moving the southeastern corner of the restricted areas approximately 2 nautical miles (NM) to the east of the present alignment (73 FR 9241). The FAA proposed this change to ''square off'' the corner to ensure that aircraft conducting high altitude munitions delivery training remain within the confines of restricted airspace. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

In a separate action, on February 11, 2008, the FAA distributed a nonrulemaking circular soliciting public comment on a proposal to modify the De Soto 1 and De Soto 2 MOAs and to establish two new MOAs in order to raise the upper altitude limit of the MOA airspace at the Camp Shelby Range up to but not including FL 180 (Airspace Study No. 08–ASW–09NR). In the circular, the FAA proposed to modify the De Soto 1 MOA boundary to match the amended R–4401A/R–4401B boundary and to change the De Soto 1 MOA ceiling to read ''to but not including 10,000 feet MSL.'' The De Soto 2 MOA altitude ceiling would be changed to read ''to but not including 5,000 feet MSL,'' but the De Soto 2 boundary would not be changed.

In addition, two new MOAs were proposed. The De Soto 3 MOA would overlie De Soto 1 and would extend from 10,000 feet MSL to but not including FL 180; and the De Soto 4 would overlie De Soto 2 with altitudes extending from 5,000 feet MSL to but not including FL 180. The Air National Guard (ANG) requested this change because the current MOAs do not provide sufficient altitudes to accommodate aircrew training in long-range set-up and stand-off tactics.

Seven comments were received in response to the NPRM and the circular.

Discussion of Comments

All of the commenters opposed the proposed rulemaking. Most commenters argued that the proposed airspace expansions would adversely impact civil aircraft operations in the area; and, in particular, those aircraft transiting the area via VOR Federal airways V–11 and V–70. Since this is a small boundary adjustment, with the expansion extending into existing MOA airspace, the FAA concluded the restricted area boundary change is not expected to impact air traffic in the area. Airways V–11 and V–70 do extend through the proposed expanded MOA airspace.

However, in response to the comments, the configuration and altitude structure of the MOAs have been revised. Instead of one large MOA (De Soto 4) overlying the entire Desoto 2 MOA, the proposed De Soto 4 MOA airspace is split into two separate MOAs (i.e., De Soto 4 and De Soto 5). The Desoto 4 MOA will extend from 5,000 feet MSL to but not including FL 180

and will overlie only the northern portion of De Soto 2 (*i.e.,* north of airway V–70). The De Soto 5 MOA will overlie the remaining part of De Soto 2 (which is traversed by V–70). Also, the floor of the new De Soto 5 MOA is set at 11,000 feet MSL instead of 5,000 feet MSL. This creates a gap in MOA airspace between 5,000 feet MSL and 11,000 feet MSL along V–70 allowing uninhibited access to five IFR altitudes along the airway. Additional steps to further minimize potential impacts include: Imposing time restrictions on use of the De Soto 4 and De Soto 5 MOAs; the airspace will be subject to recall for weather or civil air traffic; and communications lines between Range Control and the FAA controlling agency (Houston ARTCC) are being added to expedite coordination. These measures are designed to facilitate real time use of the airspace as well as improve civil aviation access to the airspace when not required for military training.

Several commenters suggested that the range airspace be moved to another location in the United States where there is less air traffic. One commenter added that the training could be conducted over water in the existing warning areas that are located less than 50 miles from the De Soto MOA complex. Prior to submitting its airspace proposal, the proponent did consider alternative locations. However, alternative sites were either already saturated with test, evaluation, and training activities and/or did not have an associated air-to-ground bombing range. A bombing range, containing an array of target complexes, is required for conducting realistic maneuvering for actual and simulated ordnance delivery training. Use of the off-shore warning areas was judged to be unsuitable, in part, due to the lack of the required bombing range and the absence of usable ground references over water. Another option explored was to limit the proposed MOA expansion to just the De Soto 3 only. While this option would allow some training activities to be completed, it would not provide enough airspace to contain training in tactics requiring standoff distances that extend beyond the current De Soto 1 MOA boundary.

Differences From NPRM

The NPRM proposed a minor expansion of the boundaries of restricted areas R–4401A, R–4401B, and R–4401C to move the southeastern corner of the areas approximately 2 NM to the east. However, in response to public comments, and to provide for better real time use of the airspace, the FAA and the proponent decided to further stratify the restricted areas into five sections instead of the original three, while maintaining the current restricted area altitude structure that extends from the surface up to Flight Level (FL) 290. In addition, the name of the restricted area using agency is updated to reflect the current organization; and, the time of designation for R–4401A, B and C is simplified as described in ''The Rule'' section, below.

The NPRM did not include a discussion of the De Soto MOA changes, which are processed under nonrulemaking procedures. However, because the MOAs are an integral part of the Camp Shelby Range airspace, the FAA has included a discussion of these changes in this rule.

Summary of De Soto MOA Changes

The existing De Soto 1 MOA is being amended to adjust the boundaries to match the revised southeast corner of restricted areas R–4401A and R–4401B. In addition, the altitude of the De Soto 1 MOA will be amended to read ''500 feet AGL to but not including 10,000 feet MSL,'' and the name of the using agency is updated to reflect the current organization title. The altitude of the De Soto 2 MOA will be amended to read ''100 feet AGL to but not including 5,000 feet MSL,'' and the name of the using agency is also updated. The boundaries of the De Soto 2 MOA are not being changed. Instead of establishing two new MOAs as originally proposed (i.e., De Soto 3 and De Soto 4), three new MOAs will be established (De Soto 3, 4 and 5). This allows greater flexibility to facilitate real time use of the airspace as well as improve civil access to the airspace when not required by the military. As originally proposed, the De Soto 3 overlies the De Soto 1 MOA and extends from 10,000 feet MSL to but not including FL 180. However, the proposed De Soto 4 MOA airspace is revised so that, instead of overlying the entire De Soto 2 MOA, it overlies only the northern portion of De Soto 2 and extends from 5,000 feet MSL up to but not including FL 180. The new De Soto 5 MOA overlies the southern portion of De Soto 2. In addition, the De Soto 5 MOA has a floor of 11,000 feet MSL and extends up to but not including FL 180. This creates a gap in MOA airspace between the 5,000 foot MSL ceiling of the De Soto 2 MOA and the 11,000 foot MSL floor of the De Soto 5 MOA, bracketing a portion of airway V–70. This gap between De Soto 2 and De Soto 5 provides five IFR altitudes (i.e., from 6,000 feet MSL to 10,000 feet MSL inclusive) along V–70 that are always clear of MOA airspace.

The new MOA configuration allows better real time use of the airspace so that parts of the MOAs that are not needed for the military mission can be released for access by other users. These measures lessen the potential impact on other airspace users, and facilitate better access to airways V–11 and V–70, which pass through, or in the vicinity of, the De Soto 2, 4 and 5 MOAs.

The above MOA changes will be published in the NFDD.

The Rule

This rule amends 14 CFR part 73 by modifying restricted areas R–4401A, R–4401B, and R–4401C to ''square off'' the southeast boundary of the areas, realign the altitude structure of the restricted airspace, update the using agency name, and simplify the time of designation statement. In addition, two new restricted areas are designated: R–4401D and R–4401E. These changes do not alter the overall altitude limits of the Camp Shelby restricted areas, which remain as currently designated (*i.e.,* from the surface to but not including 29,000 feet MSL). However, to accommodate more flexible use of the airspace and to lessen the potential impact on other airspace users by enabling parts of the area to be released when not needed for the military mission, the existing altitude structure is divided into five subareas instead of three. With these changes, the restricted airspace at Camp Shelby, MS, consists of: R–4401A, extending from the surface to but not including 4,000 feet MSL; R–4401B, extending from 4,000 feet MSL to but not including 10,000 feet MSL; R–4401C, extending from 10,000 feet MSL to but not including FL 180; R–4401D, extending from FL 180 to but not including FL 230; and R–4401E, extending from FL 230 to FL 290. All five subareas share the same boundary alignment. The time of designation for R–4401A, B and C remains by NOTAM at least 24 hours in advance, except that the words ''NOTAMS to contain information concerning deactivation of the area'' are deleted from the description. This statement is not required because SUA NOTAMs normally include the times when the airspace is in effect.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant

rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies restricted airspace in the vicinity of Camp Shelby, MS, to enhance the safe and the efficient use of the National Airspace System.

Environmental Review

In July 2008, the Air National Guard (ANG) published a Final Environmental Assessment (FEA) ''Modification of CRTC-Used Airspace: Combat Readiness Training Center'' and associated Finding of No Significant Impact (FONSI) dated July 1, 2008. The ANG prepared the FEA and associated FONSI in compliance with their obligations under the National Environmental Policy Act (NEPA) and as specified in ANG environmental regulations. The FAA was a cooperating agency in the NEPA process and provided input during the ANG environmental process. Additionally, in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 404d, the FAA has independently evaluated the information contained in the FEA and is adopting the content that addresses FAA actions pursuant to 40 CFR 1506.3(a) and (c) and has issued a FONSI/Record of Decision (ROD) dated May 2011. This final rule, which modifies the Camp Shelby. MS, restricted areas, will not result in significant environmental impacts.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.44 [Amended]

■ 2. Section 73.44 is amended as follows:

* * * * *

1. R–4401A Camp Shelby, MS [Amended]

By removing the current boundaries, altitudes, time of designation and using agency and substituting the following:

Boundaries. Beginning at lat. 31°12′55″ N., long. 89°11′03″ W.; to lat. 31°11′49″ N., long. 89°00′00″ W.; to lat. 31°10′16″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 89°11′00″ W.; to the point of beginning.

Designated altitudes. Surface to but not including 4,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Using agency. Commanding Officer, Camp Shelby, MS.

2. R–4401B Camp Shelby, MS [Amended]

By removing the current boundaries, designated altitudes, time of designation and using agency and substituting the following:

Boundaries. Beginning at lat. 31°12′55″ N., long. 89°11′03″ W.; to lat. 31°11′49″ N., long. 89°00′00″ W.; to lat. 31°10′16″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 89°11′00″ W.; to the point of beginning.

Designated altitudes. 4,000 feet MSL to but not including 10,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Using agency. Commanding Officer, Camp Shelby, MS.

3. R–4401C Camp Shelby, MS [Amended]

By removing the current boundaries, designated altitudes, time of designation and using agency and substituting the following:

Boundaries. Beginning at lat. 31°12′55″ N., long. 89°11′03″ W.; to lat. 31°11′49″ N., long. 89°00′00″ W.; to lat. 31°10′16″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 89°11′00″ W.; to the point of beginning.

Designated altitudes. 10,000 feet MSL to but not including FL 180.

Time of designation. By NOTAM at least 24 hours in advance.

Using agency. Commanding Officer, Camp Shelby, MS.

4. R–4401D Camp Shelby, MS [New]

Boundaries. Beginning at lat. 31°12′55″ N., long. 89°11′03″ W.; to lat. 31°11′49″ N., long. 89°00′00″ W.; to lat. 31°10′16″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 89°11′00″ W.; to the point of beginning.

Designated altitudes. FL 180 to but not including FL 230.

Time of designation. By NOTAM 4 hours in advance.

Controlling agency. FAA, Houston ARTCC.

Using agency. Commanding Officer, Camp Shelby, MS.

5. R–4401E Camp Shelby, MS [New]

Boundaries. Beginning at lat. 31°12′55″ N., long. 89°11′03″ W.; to lat. 31°11′49″ N., long. 89°00′00″ W.; to lat. 31°10′16″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 88°56′34″ W.; to lat. 31°04′37″ N., long. 89°11′00″ W.; to the point of beginning.

Designated altitudes. FL 230 to FL 290.

Time of designation. By NOTAM four hours in advance.

Controlling agency. FAA, Houston ARTCC.

Using agency. Commanding Officer, Camp Shelby, MS.

Issued in Washington, DC, on June 15, 2011.

Gary A. Norek,

Acting Manager, Airspace, Regulations and ATC Procedures Group.

[FR Doc. 2011–15702 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2010–1036–201138; FRL–9322–4]

Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attainment for the 1997 8-Hour Ozone Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to determine that the Atlanta, Georgia 1997 8-hour ozone nonattainment area has attained the 1997 8-hour ozone national ambient air quality standards (NAAQS) based on quality assured, quality controlled monitoring data from 2008–2010. The Atlanta, Georgia 1997 8-hour ozone nonattainment area (hereafter referred to as the ''Atlanta Area'' or ''the Area'') is comprised of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton Counties in Georgia. This

determination is based upon complete, quality assured, quality controlled, and certified ambient air monitoring data for the years 2008–2010 showing that the Atlanta Area has monitored attainment of the 1997 8-hour ozone NAAQS. The requirement for the State of Georgia to submit an attainment demonstration and associated reasonably available control measures (RACM) analyses, reasonable further progress (RFP) plans, contingency measures, and other planning State Implementation Plans (SIPs) related to attainment of the 1997 8-hour ozone NAAQS for the Atlanta Area, shall be suspended for as long as the Area continues to meet the 1997 8-hour ozone NAAQS.

DATES: *Effective Date:* This final rule is effective on July 25, 2011.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R04–OAR–2010–1036. All documents in the docket are listed in the *http://www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy for public inspection during normal business hours at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.

FOR FURTHER INFORMATION CONTACT: Jane Spann or Zuri Farngalo, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Spann may be reached by phone at (404) 562–9029 or via electronic mail at *spann.jane@epa.gov.* Mr. Farngalo may be reached by phone at (404) 562–9152 or via electronic mail at *farngalo.zuri@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?
II. What is the effect of this action?
III. What is EPA's final action?
IV. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is determining that the Atlanta Area has attained the 1997 8-hour ozone NAAQS. This determination is based upon quality assured, quality controlled and certified ambient air monitoring data that shows the Atlanta Area has monitored attainment of the 1997 8-hour ozone NAAQS based on the 2008–2010 data.

Other specific requirements of the determination and the rationale for EPA's final action are explained in the notice of proposed rulemaking (NPR) published on March 25, 2011, (76 FR 16718) and will not be restated here. The comment period closed on April 25, 2011. EPA did not receive any comments on the March 25, 2011, NPR.

II. What is the effect of this action?

This final action, in accordance with 40 CFR 51.918, suspends the requirements for the Atlanta Area to submit attainment demonstrations, associated RACM, RFP, contingency measures, and other planning SIPs related to attainment of the 1997 8-hour ozone NAAQS as long as the Area continues to meet the 1997 8-hour ozone NAAQS. Finalizing this action does not constitute a redesignation of the Atlanta Area to attainment for the 1997 8-hour ozone NAAQS under section 107(d)(3) of the Clean Air Act (CAA or Act). Further, finalizing this action does not involve approving maintenance plans for the Area as required under section 175A of the CAA, nor does it involve a determination that the Area has met all requirements for a redesignation.

III. What is EPA's final action?

EPA is taking final action to determine that the Atlanta Area has attaining data for the 1997 8-hour ozone NAAQS. This determination is based upon quality assured, quality controlled, and certified ambient air monitoring data showing that the Atlanta Area has monitored attainment of the 1997 8-hour ozone NAAQS during the period 2008–2010. This final action, in accordance with 40 CFR 51.918, will suspend the requirements for this Area to submit attainment demonstrations, associated RACM, RFP plans, contingency measures, and other planning SIPs related to attainment of the 1997 8-hour ozone NAAQS as long as the Area continues to meet the 1997 8-hour ozone NAAQS.

IV. Statutory and Executive Order Reviews

This action makes a determination of attainment based on air quality, and will result in the suspension of certain federal requirements, and it will not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register.** A major rule cannot take effect until 60 days after it is published in the **Federal Register.** This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate

circuit by August 22, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds, Oxides of nitrogen.

Dated: June 9, 2011.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart L—Georgia

■ 2. Section 52.582 is amended by adding paragraph (d) to read as follows:

§ 52.582 Control strategy: Ozone.

* * * * *

(d) *Determination of attaining data.* EPA has determined, as of June 23, 2011, the Atlanta, Georgia nonattainment area has attaining data for the 1997 8-hour ozone NAAQS. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 8-hour ozone NAAQS.

[FR Doc. 2011–15616 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2005–0004–201119; EPA–R04–OAR–2010–0958–201119; FRL–9322–6]

Approval and Promulgation of Implementation Plans; South Carolina: Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter and Nitrogen Oxides as a Precursor to Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve three revisions to the South Carolina State Implementation Plan (SIP), submitted by the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DHEC), to EPA on December 2, 2010, (for parallel processing) and April 14, 2009, and March 16, 2011. South Carolina provided the final version of the December 2, 2010, parallel processing submittal on March 16, 2011. The SIP revisions approved by this action incorporate updates to South Carolina's air quality regulations under South Carolina's New Source Review (NSR) Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) programs. First, the revisions incorporate a PSD permitting requirement promulgated in the 1997 8-Hour Ozone National Ambient Air Quality Standards (NAAQS) Implementation Rule NSR Update Phase II (hereafter referred to as the ''Ozone Implementation NSR Update or ''Phase II Rule''). Second, the revisions incorporate NSR provisions relating to the fine particulate matter ($PM_{2.5}$) NAAQS as amended in EPA's 2008 NSR $PM_{2.5}$ Implementation Rule (hereafter referred to as the ''NSR $PM_{2.5}$ Rule''). Third, the revisions incorporate NNSR requirements for calculating emissions reductions that will be used as emission offsets and ensures that those reductions are surplus to other federal requirements. As a result of the third revision, EPA also is taking final action to convert its conditional approval of South Carolina's NNSR permitting program to full approval. EPA is approving South Carolina's March 16, 2011, and April 14, 2009, SIP revisions because they are in accordance with the Clean Air Act (CAA or Act). Additionally, EPA is responding to adverse comments received on EPA's March 15, 2011, proposed approval of South Carolina's December 2, 2010, proposed SIP revision.

DATES: *Effective Date:* This rule will be effective July 25, 2011.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2005–0004 and EPA–R04–OAR–2010–0958. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: For information regarding the South Carolina SIP, contact Ms. Twunjala Bradley, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Bradley's telephone number is (404) 562–9352; *e-mail address: bradley.twunjala@epa.gov*. For information regarding NSR, contact Ms. Yolanda Adams, Air Permits Section, at the same address above. Ms. Adams' telephone number is (404) 562–9214; *e-mail address: adams.yolanda@epa.gov*. For information regarding the Phase II Rule, contact Ms. Jane Spann, Regulatory Development Section, at the same address above. Ms. Spann's telephone number is (404) 562–9029; *e-mail address: spann.jane@epa.gov*. For information regarding the $PM_{2.5}$ NAAQS, contact Mr. Joel Huey, Regulatory Development Section, at the same address above. Mr. Huey's telephone number is (404) 562–9104; *e-mail address: huey.joel@epa.gov*.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

II. This Action
III. EPA's Response to Comments
IV. Final Action
V. Statutory and Executive Order Reviews

I. Background

EPA is taking final action on three separate but related revisions to South Carolina's SIP—all pertaining to NSR. South Carolina submitted the first two proposed revisions to EPA for parallel processing on December 2, 2010. Specifically, South Carolina's December 2, 2010, SIP submittal proposed to: (1) Revise South Carolina's PSD regulations at Regulation 61–62.5, Standard No. 7—*Prevention of Significant Deterioration* to address a PSD permitting requirement promulgated in the Phase II Rule, 70 FR 71612 (November 29, 2005); and (2) incorporate NSR provisions at South Carolina Regulation 61–62.5, Standard No. 7—*Prevention of Significant Deterioration* and 7.1—*Nonattainment New Source Review* for $PM_{2.5}$ as amended in EPA's NSR $PM_{2.5}$ Rule, 73 FR 28321 (May 16, 2008). On March 15, 2011, EPA proposed approval of South Carolina's proposed December 2, 2010, submission. *See* 76 FR 13962. This action includes EPA's response to adverse comments received on the portion of EPA's March 15, 2011, proposal pertaining to approval of South Carolina's proposed $PM_{2.5}$ revisions. South Carolina submitted the December 2, 2010, parallel processing SIP revision in final form on March 16, 2011.

Additionally, South Carolina submitted a third SIP revision on April 14, 2009, to address EPA's conditional approval of South Carolina's NNSR program. *See* 73 FR 31368 (June 2, 2008). On March 24, 2011, EPA published a proposed rulemaking notice to approve a portion of the changes included in South Carolina's April 14, 2009, submission, and to convert EPA's previous conditional approval of South Carolina's NNSR program to full approval. *See* 76 FR 16593.

EPA is now taking final action to approve the changes to South Carolina's NSR programs as noted in EPA's March 15, 2011, and March 24, 2011, proposed rulemakings. A summary of the background for today's final actions is provided below. For more detail, please refer to EPA's proposed rulemakings at 76 FR 13962 (March 15, 2011), and 76 FR 16593 (March 24, 2011).

a. Phase II Rule

With regard to the 1997 8-hour ozone NAAQS,[1] EPA's Phase II Rule, finalized on November 29, 2005, addressed NSR permitting requirements and specifically identified nitrogen oxides (NO_X) as an ozone precursor under the NSR program. *See* 70 FR 71612. States were required to provide SIP submissions to address the Phase II Rule requirements by June 15, 2007. On July 1, 2005, South Carolina submitted a SIP revision to adopt the PSD and NNSR provisions amended in the 2002 NSR Reform rules.[2] The SIP revision became state-effective on June 24, 2005, and adopted PSD and applicable NNSR provisions at 40 CFR 51.165 and 51.166, respectively. Also in the July 1, 2005 submittal, South Carolina recognized NO_X as an ozone precursor for NSR permitting purposes by adopting provisions into its SIP. At the time of South Carolina's NSR Reform SIP submittal, the Phase II Rule had not been finalized by EPA. However, South Carolina had recognized NO_X emissions as an ozone precursor in its PSD permitting practice. EPA took final action to approve South Carolina's NSR Reform SIP revision as well as NO_X as a precursor provisions into the South Carolina SIP on June 2, 2008. *See* 73 FR 31368.

To be consistent with federal NSR permitting regulations, South Carolina's March 16, 2011, SIP revision incorporates a NO_X as ozone precursor requirement for PSD that was not included in South Carolina's July 1, 2005, SIP submittal at Regulation 61–62–5 Standard No. 7. Specifically, the change addresses the inclusion of ''nitrogen oxides'' in the footnote at 61–62.5(i)(5)(i) as amended at 40 CFR 51.166(i)(5)(i)(e). The provision at 40 CFR 51.166(i)(5)(i)(e) requires sources with a net increase of 100 tons per year or more of NO_X to perform an ambient impact analysis. Together, South Carolina's previously approved July 1, 2005, SIP revision (73 FR 31368) and the March 16, 2011, SIP revision addressed by this rulemaking incorporate the Phase II Rule permitting requirements pertaining to NO_X as an ozone precursor into the South Carolina SIP.

b. NSR $PM_{2.5}$ Rule

With regard to the 1997 $PM_{2.5}$ NAAQS, EPA finalized a rule on May 16, 2008, including changes to the NSR program. *See* 73 FR 28321. The 2008 NSR $PM_{2.5}$ Rule revised the NSR program requirements to establish the framework for implementing preconstruction permit review for the $PM_{2.5}$ NAAQS in both attainment and nonattainment areas. States are required to provide SIP submissions to address the requirements for the 2008 NSR $PM_{2.5}$ Rule by May 16, 2011. South Carolina's March 16, 2011, SIP revision addresses these requirements.

c. Conversion of EPA's Conditional Approval of South Carolina's NNSR Program

In addition to approving South Carolina's NSR Reform SIP revision and NO_X as an ozone precursor provisions, as mentioned in Section I.a. above, EPA's June 2, 2008 (73 FR 31368), action conditionally approved South Carolina Regulation 61–62.5, Standard No. 7.1—*Nonattainment New Source Review* for inclusion in the South Carolina SIP. This regulation relates to South Carolina's NNSR permit program. As part of the conditional approval, South Carolina had twelve months from the June 2, 2008, final conditional approval to submit changes to its NNSR program as described herein to be consistent with EPA federal regulations.

On April 14, 2009, SC DHEC submitted a revision to the SIP, incorporating the corrections required by EPA in the conditional approval. Specifically, South Carolina revised Regulation 61–62.5, Standard No. 7.1 to include baseline provisions for calculating emission reductions to be used as offsets to meet the requirements set out in 40 CFR 51.165(a)(3)(i) and Appendix S, section IV.C. This revision affects major stationary sources in South Carolina that are subject to or potentially subject to the NNSR construction permit program. The emission offsets provisions also specify that the reductions must be surplus and cannot be used for offsets if they are otherwise required by the South Carolina SIP or other federal standards, such as New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants, including the Maximum Achievable Control Technology standards. Both of these issues, which were specifically identified in EPA's June 2, 2008, final conditional approval, were addressed in

[1] On July 18, 1997, EPA promulgated a revised 8-hour ozone NAAQS of 0.08 parts per million—also referred to as the 1997 8-hour ozone NAAQS. On April 30, 2004, EPA designated areas as attainment, nonattainment and unclassifiable for the 1997 8-hour ozone NAAQS. In addition, on April 30, 2004 as part of the framework to implement the 1997 8-hour ozone NAAQS, EPA promulgated an implementation rule in two phases (Phase I and II). The Phase I Rule (effective on June 15, 2004), provided the implementation requirements for designating areas under subpart 1 and subpart 2 of the CAA. *See* 69 FR 23857.

[2] On December 31, 2002 (67 FR 80186), EPA published final rule changes to 40 CFR parts 51 and 52, regarding the CAA's PSD and NNSR programs. On November 7, 2003 (68 FR 63021), EPA published a notice of final action on the reconsideration of the December 31, 2002, final rule changes. The December 31, 2002, and the November 7, 2003, final actions are collectively referred to as the ''2002 NSR Reform Rules.''

South Carolina's April 14, 2009, SIP revision.

II. This Action

In two separate rulemakings, EPA proposed action to approve changes to South Carolina's NSR program. First, EPA proposed to approve South Carolina's March 16, 2011, SIP revision addressing PSD and NNSR requirements related to the implementation of the $PM_{2.5}$ NAAQS as well as adding a provision of the PSD NO_X as a precursor requirements established in the Phase II Rule (at 40 CFR 51.165 and 51.166). *See* 76 FR 13962 (March 15, 2011). These revisions were necessary to update South Carolina's existing NSR program at Regulation 61–62.5 Standards No. 7 and 7.1 to be consistent with current federal NSR regulations. EPA has determined that South Carolina's March 16, 2011 SIP revision, which became state-effective on February 25, 2011, meets the requirements of the 2008 NSR $PM_{2.5}$ Rule and the Phase II Rule. Further, EPA has determined that South Carolina's March 16, 2011, SIP revision is consistent with section 110 of the CAA.

Second, EPA proposed to approve South Carolina's April 14, 2009, SIP revision [3] which consists of changes to South Carolina Regulation 61–62.5, Standard No. 7.1 entitled ''Nonattainment New Source Review.'' *See* 76 FR 16593 (March 24, 2011). EPA received no comments on that proposal. SC DHEC submitted this SIP revision in response to EPA's June 2, 2008 (73 FR 31368), final rule, which conditionally approved South Carolina's NNSR program. EPA has determined that South Carolina's April 14, 2009, SIP revision satisfies the conditions listed in EPA's June 2, 2008, conditional approval, and today is taking final action to convert its prior conditional approval to full approval.

South Carolina's April 14, 2009, SIP revision also includes the removal of provisions which existed in South Carolina regulations that relate to requirements that were vacated from the federal program by the United States Court of Appeals for the District of Columbia Circuit on June 24, 2005. The provisions vacated from the federal rules pertain to pollution control projects (PCPs) and clean units (CUs). Since these provisions were not approved into South Carolina's SIP, no action is required by EPA.[4] As a result of the removal of the PCP and CU provisions, South Carolina's April 14, 2009, SIP revision also includes minor administrative reference changes at Regulation 61–62.5, Standard No. 7—Prevention of Significant Deterioration and Standard No. 7.1 Nonattainment New Source Review for which EPA is now taking final action today to include in the South Carolina SIP.

Given that South Carolina's April 14, 2009, SIP revision satisfies the conditional approval requirements for conversion to a full approval, the conditional approval language at section 52.2119 of 40 CFR part 52, included in EPA's final conditional approval published June 2, 2008 (73 FR 31368), is no longer necessary. This action removes the conditional approval language relating to South Carolina's NNSR program from the CFR to reflect that the program has been fully approved. EPA is publishing this rulemaking to remove § 52.2119 of 40 CFR part 52. As a consequence of the changes to § 52.2119 of 40 CFR part 52, this action also moves the existing disapproval language pertaining to PCPs and CUs at § 52.2119(c) to § 52.2122(e) of 40 CFR part 52. In addition, this action moves footnote 1 in § 52.2120(c) to section 52.2122(d). Lastly, today's action corrects an inadvertent error regarding the omission of Standard No. 7.1 entry from the table at § 52.2120(c). EPA has determined that this last change qualifies for the ''good cause'' exemption from public notice requirements pursuant to section 553(b)(3)(B) of the Administrative Procedure Act. Specifically, public notice and opportunity to comment on EPA's correction of the CFR table is unnecessary because it neither alters the meaning of the regulations at issue nor otherwise affects EPA's analysis of South Carolina's NSR and NNSR SIP revisions.

III. EPA's Response to Comments

EPA received one set of comments on the March 15, 2011, proposed rulemaking to approve South Carolina's proposed December 2, 2010, SIP revision to adopt federal requirements for NSR permitting set forth in the NSR $PM_{2.5}$ Implementation Rule and the Phase II Rule. A full set of the comments provided by a single commenter is provided in the Docket No. EPA–R04–OAR–2010–0958 for this final action. A summary of the comment and EPA's response is provided below.

Comment: The Commenter provided EPA with an electronic copy of the EPA final rulemaking entitled ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC); Final Rule,'' (hereafter referred to as the $PM_{2.5}$ Increments, SILs and SMC Rule). *See* 75 FR 64864 (October 20, 2010). The Commenter states ''the South Carolina's SIP should also include the increment and significant impact level and significant monitoring concentrations in the attached final rule.''

Response: The requirements outlined in EPA's $PM_{2.5}$ Increments, SILs and SMC Rule are not relevant to EPA's March 15, 2011, proposed action and today's final action. Furthermore, the deadline for South Carolina to submit a SIP revision to adopt the requirements set forth in EPA's $PM_{2.5}$ Increments, SILs and SMC Rule has not yet passed. Specifically, as promulgated in the $PM_{2.5}$ Increments, SILs and SMC Rule and in accordance with section 166(b) of the CAA, states are required to submit a SIP revision to adopt the $PM_{2.5}$ increments no later than 21 months from the promulgation of the Rule, that is, by July 20, 2012. *See* 75 FR at 64898. EPA notes that while the $PM_{2.5}$ increments are mandatory, the SILs and SMC provisions are not mandatory but in fact are elective tools that a state may incorporate into its SIP at the state's discretion. Therefore, South Carolina has additional time to revise its SIP to incorporate the required $PM_{2.5}$ PSD increments and the elective SIL and SMC provisions.

IV. Final Action

Pursuant to section 110 of the CAA, EPA is taking final action to approve South Carolina's March 16, 2011, SIP revisions adopting federal regulations amended in the NSR $PM_{2.5}$ Rule and the Phase II Rule (recognizing NO_X as an ozone precursor) into the South Carolina SIP. EPA is approving these revisions into the South Carolina SIP because they are consistent with section 110 of the CAA and its implementing regulations.

In addition, EPA is also taking final action to approve South Carolina's April 14, 2009, SIP revision, which consists of changes to South Carolina Regulation 61–62.5, Standard No. 7.1 entitled

[3] In addition to changes to address the conditional approval of South Carolina's NNSR program and minor administrative changes, South Carolina's April 14, 2009, SIP revision also includes provisions in Regulation 61–62.5, Standards No. 7 and 7.1 to exclude facilities that produce ethanol through a natural fermentation process (hereafter referred to as the ''Ethanol Rule'') from the definition of ''chemical process plants'' in the major NSR permitting program. *See* 72 FR 24060 (May 1, 2007). At this time, EPA is not taking action on South Carolina's changes to its NSR program to incorporate the provisions of the Ethanol Rule.

[4] On June 2, 2008 (73 FR 31368), EPA disapproved provisions in South Carolina's PSD and NNSR programs relating to PCP and CUs. Therefore, these provisions were not approved into South Carolina's SIP.

''Nonattainment New Source Review.'' SC DHEC submitted the April 14, 2009, SIP revision in response to EPA's June 2, 2008, rule (73 FR 31368), which conditionally approved South Carolina's NNSR program as provided in the State's July 1, 2005, SIP revision. SC DHEC has now satisfied the conditions listed in EPA's conditional approval. Therefore, today's final action also converts EPA's conditional approval of South Carolina's NNSR program to a full approval. The April 14, 2009, SIP revision is consistent with federal regulations and in accordance with the CAA. In addition, EPA is taking final action to approve minor administrative reference changes at South Carolina Regulation 61–62.5 Standards No. 7 and 7.1 as a result of the removal of PCP and CU provisions.

As mentioned above in Section II and as a result of final approval of today's actions, this rulemaking makes the following administrative corrections to 40 CFR part 52: (1) Removes the conditional approval language at section 52.2119 to reflect that South Carolina's NNSR program has been fully approved; (2) relocates the existing disapproval language at section 52.2119(c) to section 52.2122(e) of 40 CFR part 52; and (3) moves footnote 1 in section 52.2120(c) to section 52.2122(d). Lastly, today's action also corrects an inadvertent error regarding the omission of Standard No. 7.1 entry from the table at section 52.2120(c).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

EPA has also determined that this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because there are no ''substantial direct effects'' on an Indian Tribe as a result of this action. The Catawba Indian Nation Reservation is located within the South Carolina portion of the bi-state Charlotte nonattainment area. EPA notes that the proposal for this rule incorrectly stated that the South Carolina SIP is not approved to apply in Indian country located in the state. However, pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the Catawba Indian Nation and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' Thus, the South Carolina SIP does apply to the Catawba Reservation. While this action revises South Carolina's existing NSR permitting regulations in the SIP, EPA has determined that these revisions will not impose any substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 22, 2011. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) For purposes of judicial review, each of the three SIP revisions approved by today's action are severable from one another.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements and Volatile organic compounds.

Dated: June 9, 2011.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42.U.S.C. 7401 *et seq.*

Subpart PP—South Carolina

§ 52.2119 [Removed]

■ 2. Section 52.2119 is removed.

■ 3. Section 52.2120 (c) is amended under Regulation No. 62.5 by revising the entry for ''Standard No. 7'' and adding an entry for ''Standard No. 7.1'' to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) * * *

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal Register notice
*	* * *	*	*	*
Regulation No. 62.5	Air Pollution Control Standards			
*	* * *	*	*	*
Standard No. 7	Prevention of Significant Deterioration[1]	2/25/2011	6/23/2011	[Insert citation of publication].
Standard No. 7.1	Nonattainment New Source Review[1]	2/25/2011	6/23/2011	[Insert citation of publication].
*	* * *	*	*	*

[1] This EPA action is approving revisions to the South Carolina SIP with the exception of the phrase ''except ethanol production facilities producing ethanol by natural fermentation under the North American Industry Classification System (NAICS) codes 325193 or 312140,'' as amended in the Ethanol Rule. *See* 72 FR 24060 (May 1, 2007).

* * * * *

■ 4. Section 52.2122 is amended by adding paragraphs (d) and (e) to read as follows:

§ 52.2122 Approval status.

(d) Regulation 61–62.5 Standard No. 7—This regulation (submitted on July 1, 2005) includes two portions of EPA's 2002 NSR Reform Rules that were vacated by the D.C. Circuit Court—Pollution Control Projects (PCPs) and clean units. As a result, EPA is disapproving all rules and/or rule sections in the South Carolina PSD rules referencing clean units or PCPs. Specifically, the following South Carolina rules are being disapproved: (a)(2)(iv)(e); (a)(2)(iv)(f) (second sentence only); (a)(2)(vi); (b)(12); (b)(30)(iii)(h); (b)(34)(iii)(b); (b)(34)(vi)(d); (b)(35); (r)(6)—only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved); (r)(7)—only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved); (x); (y) and (z).

(e) Regulation 61–62.5 Standard No. 7.1—EPA is disapproving two provisions of South Carolina's NNSR program (submitted on July 1, 2005) that relate to provisions that were vacated from the federal program by the United States Court of Appeals for the District of Columbia Circuit on June 24, 2005. The two provisions vacated from the federal rules pertain to Pollution Control Projects (PCPs) and clean units. The PCP and clean unit references are severable from the remainder of the NNSR program. Specifically, the following sections of South Carolina Regulation 61–62.5 Standard No. 7.1 are being disapproved: (b)(5); (b)(6)—Second sentence only; (b)(8); (c)(4); (c)(6)(C)(viii); (c)(8)(C)(iii); (c)(8)(E)(v); (c)(10); (d)(1)(C)(ix); (d)(1)(C)(x); (d)(3)—Only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved; (d)(4)—Only the reference to the term ''clean unit'' is being disapproved. The remainder of this regulatory provision is being approved; (f); (g) and (h). These disapprovals were amended in 73 FR 31371, (June 2, 2008).

[FR Doc. 2011–15633 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–9323–4]

Minnesota: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting Minnesota final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The agency published a proposed rule on January 14, 2011 and provided for public comment. The public comment period ended on February 14, 2011. We received no comments. No further opportunity for comment will be provided. EPA has determined that these changes satisfy all requirements needed to qualify for final authorization. We now make a final decision to authorize Minnesota's changes through this final action.

DATES: The final authorization will be effective on June 23, 2011.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R05–RCRA–2010–0738. All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some of the information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy.

Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy. You may view and copy Minnesota's application from 9:00 a.m. to 4:00 p.m. at the following addresses: U.S. EPA Region 5, LR–8J, 77 West Jackson Boulevard, Chicago, Illinois, contact: Gary Westefer (312) 886–7450; or Minnesota Pollution Control Agency, 520 Lafayette Road, North, St. Paul, Minnesota 55515, contact: Nathan Cooley (651) 757–2290.

FOR FURTHER INFORMATION CONTACT: Gary Westefer, Minnesota Regulatory Specialist, U.S. EPA Region 5, LR–8J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7450, e-mail *westefer.gary@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Why are revisions to state programs necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and request EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of

changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What decisions have we made in this rule?

We conclude that Minnesota's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we propose to grant Minnesota final authorization to operate its hazardous waste program with the changes described in the authorization application. Minnesota has responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Minnesota, including issuing permits, until the State is granted authorization to do so.

C. What is the effect of this authorization decision?

The effect of this decision, once finalized, is that a facility in Minnesota subject to RCRA would have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Minnesota has enforcement responsibilities under its State hazardous waste program for RCRA violations, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

1. Do inspections, and require monitoring, tests, analyses or reports; and
2. Enforce RCRA requirements and suspend or revoke permits.

This action will not impose additional requirements on the regulated community because the regulations for which Minnesota is being authorized are already effective, and will not be changed by EPA's final action.

D. Proposed Rule

On January 14, 2011 (76 FR 2618), EPA published a proposed rule. In that rule we proposed granting authorization of changes to Minnesota's hazardous waste program and opened our decision to public comment. The agency received no comments on this proposal. EPA found Minnesota's RCRA program to be satisfactory.

E. What has Minnesota previously been authorized for?

Minnesota initially received Final (base) authorization on January 28, 1985, effective February 11, 1985 (50 FR 3756) to implement the RCRA hazardous waste management program. We granted authorization for changes to Minnesota's program on July 20, 1987 (52 FR 27199), effective September 18, 1987; on April 24, 1989 (54 FR 16361), effective June 23, 1989, amended June 28, 1989 (54 FR 27169); on June 15, 1990 (55 FR 24232), effective August 14, 1990; on June 24, 1991 (56 FR 28709), effective August 23, 1991; on March 19, 1992 (57 FR 9501), effective May 18, 1992; on March 17, 1993 (58 FR 14321), effective May 17, 1993; on January 20, 1994 (59 FR 2998), effective March 21, 1994; and on May 25, 2000, (65 FR 33774) effective August 23, 2000. Minnesota also received authorization for the U.S. Filter Recovery Services Project XL on May 22, 2001, effective May 22, 2001 (66 FR 28085), and for the Joint Powers Agreement with Hennepin County on October 23, 2008 (73 FR 63074), effective October 23, 2008.

F. What changes are we authorizing with today's action?

On June 2, 2010, Minnesota submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make a final decision, that Minnesota's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Therefore, we are granting Minnesota final authorization for the following program changes (a table with the complete state analogues is provided in the January 14, 2011 proposed rule):

Land Disposal Restrictions for Electric Arc Furnace Dust (K061), Checklist 95, August 19, 1991 (56 FR 41164)

Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, Checklist 100, January 29, 1992 (57 FR 3462)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic; Corrections, Checklist 108, July 10, 1992 (57 FR 30657)

Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris, Checklist 109, August 18, 1992 (57 FR 37194)

Identification and Listing of Hazardous Waste; CERCLA Hazardous Designation; Reportable Quantity Adjustment; Coke By-Product Wastes, Checklist 110, August 18, 1992 (57 FR 37284)

Consolidated Liability Requirements: Financial Responsibility for Third Party Liability, Closure and Post-Closure, Checklist 113, September 16, 1992 (57 FR 42832)

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage, Checklist 113.1, September 1, 1988 (53 FR 33938)

Liability Requirements; Technical Amendment, Checklist 113.2, July 1, 1991 (56 FR 30200)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste and CERCLA Hazardous Designation; Reportable Quantity Adjustment; Chlorinated Toluenes Production Wastes, Checklist 115, October 15, 1992 (57 FR 47376)

Hazardous Waste Management System; Land Disposal Restrictions; Case-By-Case Capacity Variance, Checklist 116, October 20, 1992 (57 FR 47772)

Hazardous Waste Management System; Definition of Hazardous Waste; Mixture and Derived-From Rules, Checklist 117B, June 1, 1992 (57 FR 23062)

Hazardous Waste Management; Liquids in Landfills II, Checklist 118, November 18, 1992 (57 FR 54452)

Corrective Action Management Units and Temporary Units; Corrective Action Units Under Subtitle C, Checklist 121, February 16, 1993 (58 FR 8658)

Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-By-Case Capacity Variance, Checklist 123, May 14, 1993 (58 FR 28506)

Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated, Checklist 124, May 24, 1993 (58 FR 29860)

Hazardous Waste Management System; Testing and Monitoring Activities, Checklist 126, August 31, 1993 (58 FR 46040), as amended, Checklist 126.1, September 19, 1994 (59 FR 47980)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes From Wood Surface Protection, Checklist 128, January 4, 1994 (59 FR 458). Recordkeeping Instructions; Technical Amendment, Checklist 131, March 24, 1994 (59 FR 13891)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes from Wood Surface Protection; Correction,

Checklist 132, June 2, 1994 (59 FR 28484)
Hazardous Waste Management System; Correction of Listing of P015—Beryllium Powder, Checklist 134, June 20, 1994 (59 FR 31551)
Standards for the Management of Specific Hazardous Wastes; Amendment to Subpart C–Recyclable Materials Used in a Manner Constituting Disposal; Final Rule, Checklist 136, August 24, 1994 (59 FR 43496)
Land Disposal Restrictions Phase II—Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes, Checklist 137, September 19, 1994 (59 FR 47982), as amended, Checklist 137.1, January 3, 1995 (60 FR 242)
Universal Waste Rule: General Provisions, Checklist 142A; Specific Provisions for Batteries, Checklist 142B; Specific Provisions for Pesticides, Checklist 142C; Specific Provisions for Thermostats, Checklist 142D; Provisions for Petitions to Add a New Universal Waste, Checklist 142E, May 11, 1995 (60 FR 25492)
Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners, Checklist 151, April 8, 1996 (61 FR 15566), as amended, Checklist 151.1, April 8, 1996 (61 FR 15566), as amended, Checklist 151.2, April 30, 1996 (61 FR 19117), as amended, Checklist 151.3, June 28, 1996 (61 FR 33680), as amended, Checklist 151.4, July 10, 1996 (61 FR 36419), as amended, Checklist 151.5, August 26, 1996 (61 FR 43924) as amended, Checklist 151.6, February 19, 1997 (62 FR 7502)
Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision C(92)39 Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations, Checklist 152, April 12, 1996 (61 FR 16290)
Criteria for Classification of Solid Waste Disposal Facilities and Practices; Identification and Listing of Hazardous Waste; Requirements for Authorization of State Hazardous Waste Programs, Checklist 153, July 1, 1996 (61 FR 34252)
Hazardous Waste Treatment, Storage and Disposal Facilities and Hazardous Waste Generators; Organic Air Emissions Standards for Tanks, Surface Impoundments, and Containers, Checklist 154, November 25, 1996 (61 FR 59931), as amended, Checklist 154.1, December 6, 1994 (59 FR 62896), as amended, Checklist 154.2, May 19, 1995 (60 FR 26828) as amended, Checklist 154.3, September 29, 1995 (60 FR 50426), as amended, Checklist 154.4, November 13, 1995 (60 FR 56952), as amended, Checklist 154.5, February 9, 1996 (61 FR 4903) as amended, Checklist 154.6, June 5, 1996 (61 FR 28508)
Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance, Checklist 155, January 14, 1997 (62 FR 1992)
Land Disposal Restrictions Phase IV—Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions From RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions, Checklist 157, May 12, 1997 (62 FR 25998)
Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions, Checklist 159, June 17, 1997 (62 FR 32974)
Land Disposal Restrictions Phase III—Emergency Extension of the K088 National Capacity Variance, Amendment, Checklist 160, July 14, 1997 (62 FR 37694)
Second Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes From Carbamate Production, Checklist 161, August 28, 1997 (62 FR 45568)
Classification of Standards for Hazardous Waste Land Disposal Restriction Treatment Variances, Checklist 162, December 5, 1997 (62 FR 64504)
Hazardous Waste Treatment, Storage and Disposal Facilities and Hazardous Waste Generators; Organic Air Emissions Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment, Checklist 163, December 8, 1997 (62 FR 64636)
Land Disposal Restrictions Phase IV; Treatment Standards for Metal Wastes and Mineral Processing Wastes, Checklist 167A, May 26, 1998 (63 FR 28556)
Land Disposal Restrictions Phase IV; Hazardous Soils Treatment Standards and Exclusions, Checklist 167B, May 26, 1998 (63 FR 28556)
Land Disposal Restrictions Phase IV; Corrections, Checklist 167C, May 26, 1998 (63 FR 28556), as amended Checklist 167C.1, June 8, 1998 (63 FR 31266)
Minerals Processing Secondary Materials Exclusion, Checklist 167D, May 26, 1998 (63 FR 28556)
Bevill Exclusion Revisions and Clarification, Checklist 167E, May 26, 1998 (63 FR 28556)
Exclusion of Recycled Wood Preserving Wastewaters, Checklist 167F, May 26, 1998 (63 FR 28556)
Hazardous Waste Combustors; Revised Standards; Final Rule-Part 1–RCRA Comparable Fuel Exclusion; Permit Modifications for Hazardous Waste Combustion Units; Notification of Intent to Comply; Waste Minimization and Pollution Prevention Criteria for Compliance Extensions, Checklist 168, June 19, 1998 (63 FR 33782)
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities, Checklist 169, August 6, 1998 (63 FR 42110)
Hazardous Waste Recycling; Land Disposal Restrictions Phase IV Zinc Micronutrient Fertilizers, Administrative Stay, Checklist 170, August 31, 1998 (63 FR 46332)
Emergency Revisions of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes From Carbamate Production, Checklist 171, September 4, 1998 (63 FR 47409)
Characteristic Slags Generated From Thermal Recovery of Lead by Secondary Lead Smelters; Land Disposal Restrictions; Final Rule; Extension of Compliance Date, Checklist 172, September 9, 1998 (63 FR 48124)
Land Disposal Restrictions (LDR) Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088), Checklist 173, September 24, 1998 (63 FR 51254)
Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process; Final rule, Checklist 174, October 22, 1998 (63 FR 56710)
Hazardous Remediation Waste Management Requirements (HWIR–Media), Checklist 175, November 30, 1998 (63 FR 65874)
Universal Waste Rule—Technical Amendments, Checklist 176, December 24, 1998 (63 FR 71225)
Hazardous Waste Treatment, Storage and Disposal Facilities and Hazardous Waste Generators; Organic Air Emissions Standards for Tanks, Surface Impoundments, and Containers, Checklist 177, January 21, 1999 (64 FR 3381)
Land Disposal Restrictions Phase IV: Treatment Standards for Wood Preserving Wastes, Treatment Standards for Metal Wastes, Zinc

Micronutrient Fertilizers, Carbamate Treatment Standards, and K088 Treatment Standards, Checklist 179, May 11, 1999 (64 FR 25408)
Hazardous Waste Management System; Modification of the Hazardous Waste Program; Hazardous Waste Lamps; Final Rule, Checklist 181, July 6, 1999 (64 FR 36466)
Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes, and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters, Checklist 183, October 20, 1999 (64 FR 56469)
Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities, Checklist 185, March 17, 2000 (65 FR 14472)
Organobromine Production Wastes; Petroleum Refining Wastes; Land Disposal Restrictions, Checklist 187, June 8, 2000 (65 FR 36365)
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities, Checklist 189, November 8, 2000 (65 FR 67068)
Deferral of Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil, Checklist 190, December 26, 2000 (65 FR 81373)
Hazardous Waste Identification Rule (HWIR); Revisions to the Mixture and Derived From Rules, Checklist 192A, May 16, 2001 (66 FR 27266)
Hazardous Waste Identification Rule (HWIR); Land Disposal Restrictions Correction, Checklist 192B, May 16, 2001 (66 FR 27266)
Corrections to the Hazardous Waste Identification Rule (HWIR); Revisions to the Mixture and Derived From Rules (Revision II), Checklist 194, October 3, 2001 (66 FR 50332)
Amendments to the Corrective Action Management Unit Rule, Checklist 196, January 22, 2002 (67 FR 2962)
Hazardous Waste Management System; Definition of Solid Waste; Toxicity Characteristic; Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes and TCLP Use with MGP Waste, Checklist 199, March 13, 2002 (67 FR 11251)
Land Disposal Restrictions; National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries, Checklist 201, October 7, 2002 (67 FR 62618)
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019, Checklist 218, June 4, 2008 (73 FR 31756)

G. Which revised state rules are different from the Federal rules?

Minnesota has excluded the non-delegable Federal requirements at 40 CFR 268.5, 268.6, 268.42(b), 268.44, and 270.3. EPA will continue to implement those requirements. In this action, Minnesota has chosen to remain more stringent in the Hazardous Remediation Waste Management Requirements (Checklist 175 above) by choosing not to adopt 40 CFR 270.79 through 270.230 which allow for Remedial Action Plans (RAP). The RAP regulations are considered to be less stringent. Minnesota is more stringent in checklist 108, as it does not recognize the list of excluded processes, nor does it have provision to waive the double liner requirement in 40 CFR 265.301(d). In rule revision (Checklist) 118, Minnesota does not allow any liquids in landfills even as provided for in 40 CFR 264.314. In rule revision (Checklist) 142, Minnesota does not contain a provision to add a Universal Waste under 40 CFR 273.80 or 260.23.

H. Who handles permits after the authorization takes effect?

Minnesota will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization until they expire or are terminated. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Minnesota is not yet authorized.

I. How does today's action affect Indian Country (18 U.S.C. 1151) in Minnesota?

Minnesota is not authorized to carry out its hazardous waste program in ''Indian Country,'' as defined in 18 U.S.C. 1151. Indian Country includes:

1. All lands within the exterior boundaries of Indian Reservations within or abutting the State of Minnesota, including:

a. Bois Forte Indian Reservation.
b. Fond Du Lac Indian Reservation.
c. Grand Portage Indian Reservation.
d. Leech Lake Indian Reservation.
e. Lower Sioux Indian Reservation.
f. Mille Lacs Indian Reservation.
g. Prairie Island Indian Reservation.
h. Red Lake Indian Reservation.
i. Shakopee Mdewankanton Indian Reservation.
j. Upper Sioux Indian Reservation.
k. White Earth Indian Reservation.

2. Any land held in trust by the U.S. for an Indian tribe; and

3. Any other land, whether on or off an Indian reservation that qualifies as Indian Country.

Therefore, EPA retains the authority to implement and administer the RCRA program in Indian Country.

J. What is codification and is EPA codifying Minnesota's hazardous waste program as authorized in this rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. Minnesota's rules, up to and including those revised June 7, 1991, as corrected August 19, 1991, have previously been codified through incorporation by reference effective February 4, 1992 (57 FR 4162) .

K. Statutory and Executive Order Reviews

This proposed rule only authorizes hazardous waste requirements pursuant to RCRA 3006 and imposes no requirements other than those imposed by State law (see Supplementary Information, Section A. Why are Revisions to State Programs Necessary?). Therefore this rule complies with applicable executive orders and statutory provisions as follows:

1. Executive Order 18266: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review

The Office of Management and Budget has exempted this rule from its review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821 January 21, 2011).

2. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

3. Regulatory Flexibility Act

This rule authorizes State requirements for the purpose of RCRA 3006 and imposes no additional

requirements beyond those required by State law. Accordingly, I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

4. Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

5. Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) does not apply to this rule because it will not have federalism implications (*i.e.,* substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government).

6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 9, 2000) does not apply to this rule because it will not have tribal implications (*i.e.,* substantial direct effects on one or more Indian tribes, or on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.)

7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866 and because the EPA does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action as defined in Executive Order 12866.

9. National Technology Transfer Advancement Act

EPA approves State programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply to this rule.

10. Executive Order 12988

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

11. Executive Order 12630: Evaluation of Risk and Avoidance of Unanticipated Takings

EPA has complied with Executive Order 12630 (53 FR 8859, March 18, 1988) by examining the takings implications of the rule in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the executive order.

12. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

Because this rule proposes authorization of pre-existing State rules and imposes no additional requirements beyond those imposed by State law and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994).

13. Congressional Review Act

EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register.** A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 6, 2011.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2011–15751 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 225, 242, and 252

RIN 0750–AH26

Defense Federal Acquisition Regulation Supplement; Synchronized Predeployment and Operational Tracker (SPOT) (DFARS Case 2011–D030)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to modify terminology and address internal contract administration requirements associated with the Synchronized Predeployment and Operational Tracker (SPOT) system.

DATES: *Effective date:* June 23, 2011.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Murphy, Telephone 703–602–1302.

SUPPLEMENTARY INFORMATION:

I. Background

This DFARS case updates nomenclature associated with the letter of authorization required for contractor personnel to process through a deployment center or travel to, from, or within a designated operational area (see DFARS 225.7402–3). This final rule will revise the generic letter of authorization to use the formal title of ''Synchronized Predeployment and Operational Tracker (SPOT)-generated letter of authorization.'' The change in title is being made at DFARS 225.7402–3(e) and in the clause at 252.225–7040, Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States.

In addition, the contract administration functions at DFARS 242.302 have been amended to add a requirement for DoD contract administrators, when the contract incorporates the clause at 252.225–7040, to ensure implementation of, and maintain surveillance over, contractor compliance with the SPOT business rules.

II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because an initial regulatory flexibility analysis is only required for proposed or interim rules that require publication for public comment (5 U.S.C. 603) and a final regulatory flexibility analysis is only required for final rules that were previously published for public comment, and for which an initial regulatory flexibility analysis was prepared (5 U.S.C. 604).

This final rule does not constitute a significant DFARS revision as defined at FAR 1.501–1 because this rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of the Government. Therefore, publication for public comment under 41 U.S.C. 1707 is not required.

IV. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 225, 242, and 252

Government procurement.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 225, 242, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 225, 242, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 225—FOREIGN ACQUISITION

■ 2. In section 225.7402–3, revise paragraph (e) to read as follows:

225.7402–3 Government support.

* * * * *

(e) Contractor personnel must have a Synchronized Predeployment and Operational Tracker (SPOT)-generated letter of authorization (LOA) signed by the contracting officer in order to process through a deployment center or to travel to, from, or within the designated operational area. The LOA also will identify any additional authorizations, privileges, or Government support that the contractor personnel are entitled to under the contract. For a sample LOA, see the Web site provided at PGI 225.7402–5(a)(iv).

■ 3. In section 225.7402–5, revise paragraph (b) to read as follows:

225.7402–5 Contract clauses.

* * * * *

(b) For additional guidance on clauses to consider when using the clause at 252.225–7040, see PGI 225.7402–5(b).

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 4. In section 242.302, add paragraph (a)(S–72) to read as follows:

242.302 Contract administration functions.

(a) * * *

(S–72) Ensure implementation of the Synchronized Predeployment and Operational Tracker (SPOT) by the contractor and maintain surveillance over contractor compliance with SPOT business rules available at the Web site provided at PGI 225.7402–5(a)(iv) for contracts incorporating the clause at 252.225–7040, Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. In section 252.225–7040, remove the clause date ''(JUL 2009)'' and add in its place ''(JUN 2011)'', and revise paragraph (c)(4) to read as follows:

252.225–7040 Contractor Personnel Authorized To Accompany U.S. Armed Forces Deployed Outside the United States.

* * * * *

(c) * * *

(4) Contractor personnel must have a Synchronized Predeployment and Operational Tracker (SPOT)-generated letter of authorization signed by the Contracting Officer in order to process through a deployment center or to travel to, from, or within the designated operational area. The letter of authorization also will identify any additional authorizations, privileges, or Government support that Contractor personnel are entitled to under this contract.

* * * * *

[FR Doc. 2011–15373 Filed 6–22–11; 8:45 am]

BILLING CODE 5001–08–P

Proposed Rules

Federal Register
Vol. 76, No. 121
Thursday, June 23, 2011

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Regulation B; Docket No. R–1426]

RIN No. 7100–AD–78

Regulation B; Equal Credit Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule; request for public comment.

SUMMARY: The Board is publishing for public comment a proposed rule amending Regulation B (Equal Credit Opportunity). Section 704B of the Equal Credit Opportunity Act (ECOA), as added by Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act or Act), requires that financial institutions collect and report information concerning credit applications made by women- or minority-owned businesses and by small businesses. ECOA Section 704B becomes effective on the date that rulemaking authority for ECOA is transferred to the Consumer Financial Protection Bureau (CFPB), which is July 21, 2011. Although the CFPB will have the authority to issue rules to implement ECOA Section 704B for most entities, the Board retains authority to issue rules for certain motor vehicle dealers. This proposed rule excepts motor vehicle dealers that are subject to the Board's jurisdiction from the requirements of ECOA Section 704B temporarily, until the effective date of final rules that will be issued by the Board to implement that provision.

DATES: Comments on this proposed rule must be received on or before July 29, 2011.

ADDRESSES: You may submit comments, identified by Docket No. R–1426 and RIN No. 7100–AD–78, by any of the following methods:

- *Agency Web Site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Address to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Lorna Neill or Nikita Pastor, Senior Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452–2412 or (202) 452–3667. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

Section 704B of the Equal Credit Opportunity Act (ECOA), as added by Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (Dodd-Frank Act or Act), requires that financial institutions collect and report information concerning credit applications made by women- or minority-owned businesses and by small businesses. 15 U.S.C. 1691c–2. The statute directs financial institutions to compile and maintain the data ''in accordance with regulations of the Bureau.'' ECOA Section 704B(e)(1), 15 U.S.C. 1691c–2(e)(1). The purpose of Section 704B is ''to facilitate enforcement of fair lending laws and enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses.'' ECOA Section 704B becomes effective on the date that rulemaking authority for ECOA is generally transferred to the Consumer Financial Protection Bureau (CFPB), which is July 21, 2011.

On April 11, 2011, the CFPB issued a letter concluding that financial institutions have no obligations under Section 704B until the CFPB issues regulations to implement the requirements. The CFPB letter notes that Congress intended Section 704B to produce reliable and consistent data that can be analyzed by the CFPB, other government agencies, and members of the public to facilitate enforcement of fair lending laws and to identify business and community development needs. Based on the statutory text, purpose, and legislative history, the CFPB letter concluded that implementing regulations are necessary to ensure that data are collected and reported in a consistent, standardized fashion that allows for sound analysis by the CFPB and other users of data.

Although the CFPB will have authority to issue rules to implement ECOA Section 704B for most entities, the Board retains authority to issue rules for motor vehicle dealers covered by Section 1029(a) of the Act.[2] 12 U.S.C. 5519. Thus, the Board is responsible for issuing regulations to implement the amendments made by Section 704B for motor vehicle dealers covered by Section 1029(a) of the Dodd-Frank Act. Consequently, the Board has received inquiries as to whether motor vehicle

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] Section 1029(a) of the Dodd-Frank Act states: ''Except as permitted in subsection (b), the Bureau may not exercise any rulemaking * * * authority * * * over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.'' 12 U.S.C. 5519(a). Section 1029(b) of the Dodd-Frank Act states: ''Subsection (a) shall not apply to any person, to the extent such person (1) provides consumers with any services related to residential or commercial mortgages or self-financing transaction involving real property; (2) operates a line of business (A) that involves the extension of retail credit or retail leases involving motor vehicles; and (B) in which (i) the extension of retail credit or retail leases are provided directly to consumers and (ii) the contract governing such extension of retail credit or retail leases is not routinely assigned to an unaffiliated third party finance or leasing source; or (3) offers or provides a consumer financial product or service not involving or related to the sale, financing, leasing, rental, repair, refurbishment, maintenance, or other servicing of motor vehicles, motor vehicle parts, or any related or ancillary product or service.'' 12 U.S.C. 5519(b).

dealers will need to comply with the requirements of ECOA Section 704B before implementing regulations are issued.

The Board believes that detailed rules to implement ECOA Section 704B are necessary to ensure that data collected and reported under that provision are useful. The purposes of the statute are to facilitate fair lending enforcement and to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses. To support sound analysis by users of the data, it should be collected and reported in a consistent and standardized way. To achieve this, implementing rules can provide motor vehicle dealers with uniform definitions and standards that they can follow in collecting and reporting data.

Accordingly, this proposed rule excepts motor vehicle dealers covered by Section 1029(a) of the Dodd-Frank Act from any obligation to comply with ECOA Section 704B until the Board issues final regulations to implement that provision and those regulations become effective. This proposed rule is consistent with the views expressed by the CFPB, and is supported by the text and purpose of Section 1071 of the Dodd-Frank Act. The applicability of this proposed rule is limited to Section 1071 and does not affect the implementation date of any other provision of the Dodd-Frank Act.

II. Legal Authority

ECOA Section 703, as amended by Section 1085 of the Dodd-Frank Act, directs the Board to prescribe regulations to carry out ECOA's purposes for motor vehicle dealers covered by Section 1029(a) of the Dodd-Frank Act. 15 U.S.C. 1691b(f). In addition, ECOA Section 703 authorizes the Board to issue regulations that contain such classifications, differentiation, or other provisions, or that provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of ECOA, to prevent circumvention or evasion of ECOA, or to facilitate or substantiate compliance with ECOA. *Id.* Finally, ECOA Section 704B(g)(2) contains authority for exceptions or exemptions for any class of financial institutions as deemed necessary or appropriate to carry out the purposes of this section. 15 U.S.C. 1691c–2(g)(2).

Pursuant to this authority, the proposed rule excepts motor vehicle dealers covered by Section 1029(a) of the Dodd-Frank Act temporarily from the requirement to comply with ECOA Section 704B, until the effective date of final rules that will be issued by the Board to implement Section 704B. The Board believes that this exception is necessary to effectuate the purposes of ECOA and facilitate compliance. First, ECOA Section 704B states that the purpose is ''to facilitate enforcement of fair lending laws and enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses.'' 15 U.S.C. 1691c–2(a). The Board believes that this purpose is better served if there are detailed rules that prescribe the method for collecting and reporting of data under Section 704B. The collection of data in a uniform manner under such rules will enhance data analysis and enforcement capabilities. In addition, the text of ECOA Section 704B contemplates that regulations are necessary to implement this provision by directing that financial institutions compile and maintain the data ''in accordance with regulations of the Bureau.'' [3] Finally, implementing regulations will facilitate compliance by providing guidance on how motor vehicle dealers can comply with the statutory requirements in a manner that effectuates the legislative purposes.

III. Section-by-Section Analysis

Section 202.17 Data Collection for Credit Applications by Women-Owned, Minority-Owned, or Small Businesses

17(a) Effective Date for Motor Vehicle Dealers

Section 704B of ECOA, as added by Section 1071 of the Dodd-Frank Act, requires that financial institutions collect and report information concerning credit applications made by women- or minority-owned businesses and by small businesses. 15 U.S.C. 1691c–2. The term ''financial institution'' includes any entity that engages in any financial activity. 15 U.S.C. 1691c–2(h)(1). Although the term ''financial activity'' is not defined in ECOA or the Dodd-Frank Act, motor vehicle dealers covered by Section 1029(a) of the Dodd-Frank Act may be financial institutions subject to the requirements of ECOA Section 704B. This section of ECOA becomes effective on the designated transfer date, which is July 21, 2011.

The proposed rule provides that no motor vehicle dealer covered by Section 1029(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, 12 U.S.C. 5519(a), shall be required to comply with the requirements of Section 704B of the Equal Credit Opportunity Act, 15 U.S.C. 1691c–2, until the effective date of final rules issued by the Board to implement Section 704B of the Equal Credit Opportunity Act, 15 U.S.C. 1691c–2. Section 202.17(a). Moreover, the proposed rule provides that the rule shall not be construed to affect the effective date of Section 704B ECOA for any person other than a motor vehicle dealer covered by Section 1029(a) of the Dodd-Frank Act.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3506; 5 CFR part 1320 Appendix A.1), the Board reviewed the proposed rule under the authority delegated to the Board by the Office of Management and Budget. The rule contains no collections of information under the PRA. *See* 44 U.S.C. 3502(3). Accordingly, there is no paperwork burden associated with the rule.

V. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires an agency to perform an initial and final regulatory flexibility analysis on the impact a rule is expected to have on small entities. The Small Business Administration (SBA) establishes size standards that define which entities are small businesses for purposes of the RFA.[4] The size standard to be considered a small business is: $175 million or less in assets for banks and other depository institutions; and $7 million or less in annual revenues for the majority of non-bank entities that are likely to be subject to the final rules.

Under Section 605(b) of the RFA, 5 U.S.C. 605(b), the initial regulatory flexibility analysis otherwise required under Section 603 of the RFA is not required if an agency certifies, along with a statement providing the factual basis for such certification, that the rule will not have a significant economic impact on a substantial number of small entities. Based on its initial analysis and for the reasons stated below, the Board believes that this proposed rule would

[3] *See* ECOA Section 704B(e)(1), 15 U.S.C. 1691c–2(e)(1) (''Each financial institution shall compile and maintain, in accordance with regulations of the Bureau, a record of the information provided by any loan applicant * * *''); ECOA Section 704B(b), 15 U.S.C. 1691c–2(b) (''Subject to the requirements of this section * * * the financial institution shall * * * maintain a record of the responses * * *'').

[4] U.S. Small Business Administration, Table of Small Business Size Standards Matched to North American Industry Classification System Codes, available at *http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf.*

not have a significant economic impact on a substantial number of small entities.

A. Statement of Reasons, Objectives, and Legal Basis for the Proposed Rule

Section 704B of the Equal Credit Opportunity Act (ECOA), as added by Section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act or Act), requires that financial institutions collect and report information concerning credit applications made by women- or minority-owned businesses and by small businesses. ECOA Section 704B becomes effective on the date that rulemaking authority for ECOA is transferred to the Consumer Financial Protection Bureau (CFPB), which is July 21, 2011. Although the CFPB will have the authority to issue rules to implement ECOA Section 704B for most entities, the Board retains authority to issue rules for certain motor vehicle dealers. This proposed rule excepts motor vehicle dealers that are subject to the Board's jurisdiction from the requirements of ECOA Section 704B temporarily, until the effective date of final rules that will be issued by the Board to implement that provision. The **SUPPLEMENTARY INFORMATION** above contains information on the reasons, objectives and legal basis for the proposed rule.

B. Small Entities Affected by the Proposed Rule

The proposed rule applies to motor vehicle dealers covered by Section 1029(a) of the Dodd-Frank Act.[5] The total number of small entities covered by the final rules is unknown, because the Board does not have data on the number of small entities that are motor vehicle dealers covered by Section 1029(a). Furthermore, it is not clear how many motor vehicle dealers covered by Section 1029(a) receive credit applications from women- or minority-owned business or small businesses. Nevertheless, there are likely to be no small entities affected by the final rule because the rule merely preserves the status quo by granting a temporary exemption from the requirement to comply with the statute when it takes effect on July 21, 2011.

C. Recordkeeping, Reporting, and Compliance Requirements

The proposed rule would not impose any new recordkeeping, reporting, or compliance requirements. Instead, the proposed rule temporarily would delay such requirements until the Board issues final implementing regulations and the regulations become effective.

D. Identification of Duplicative, Overlapping, or Conflicting Federal Regulations

The Board has not identified any Federal statutes or regulations that would duplicate, overlap, or conflict with the proposed rule.

E. Significant Alternatives to the Proposed Revisions

The Board is not aware of any significant alternatives that would further minimize any significant economic impact of the proposed rule on small entities, but solicits comment on this approach.

List of Subjects in 12 CFR Part 202

Aged, Banks, Banking, Civil rights, Credit, Discrimination, Federal Reserve System, Marital status discrimination, Penalties, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

Authority and Issuance

For the reasons set forth in the preamble, the Board proposes to amend Regulation B, 12 CFR part 202, as follows:

PART 202—EQUAL CREDIT OPPORTUNITY (REGULATION B)

1. The authority citation for part 202 is revised to read as follows:

Authority: 15 U.S.C. 1691–1691f; Pub. L. 111–203, 124 Stat. 1376.

2. Add § 202.17 to read as follows:

§ 202.17 Data collection for credit applications by women-owned, minority-owned, or small businesses.

(a) *Effective date for motor vehicle dealers.* No motor vehicle dealer covered by section 1029(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, 12 U.S.C. 5519(a), shall be required to comply with the requirements of section 704B of the Equal Credit Opportunity Act, 15 U.S.C. 1691c–2, until the effective date of final rules issued by the Board to implement section 704B of the Act, 15 U.S.C. 1691c–2. This paragraph shall not be construed to affect the effective date of section 704B of the Act for any person other than a motor vehicle dealer covered by section 1029(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

By order of the Board of Governors of the Federal Reserve System, June 17, 2011.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 2011–15654 Filed 6–22–11; 8:45 am]

BILLING CODE 6210–01–P

[5] Section 1029(a) of the Dodd-Frank Act states: ''Except as permitted in subsection (b), the Bureau may not exercise any rulemaking * * * authority * * * over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.'' 12 U.S.C. 5519(a). Section 1029(b) of the Dodd-Frank Act states: ''Subsection (a) shall not apply to any person, to the extent such person (1) provides consumers with any services related to residential or commercial mortgages or self-financing transaction involving real property; (2) operates a line of business (A) that involves the extension of retail credit or retail leases involving motor vehicles; and (B) in which (i) the extension of retail credit or retail leases are provided directly to consumers and (ii) the contract governing such extension of retail credit or retail leases is not routinely assigned to an unaffiliated third party finance or leasing source; or (3) offers or provides a consumer financial product or service not involving or related to the sale, financing, leasing, rental, repair, refurbishment, maintenance, or other servicing of motor vehicles, motor vehicle parts, or any related or ancillary product or service.'' 12 U.S.C. 5519(b).

SMALL BUSINESS ADMINISTRATION

13 CFR Chapter I

[Docket No.: SBA–2011–0012]

Reducing Regulatory Burden; Retrospective Review Under E.O. 13563

AGENCY: Small Business Administration.

ACTION: Request for information.

SUMMARY: In response to the President's Executive Order 13563, Improving Regulation and Regulatory Review, the Small Business Administration (SBA) has developed a preliminary retrospective review plan for periodically analyzing its existing significant regulations to determine whether those regulations should be modified, streamlined, expanded or repealed. SBA is inviting members of the public to submit comments on this review plan, including the list of candidate rules for review. The goal of the retrospective review is to make SBA's regulatory program more effective and less burdensome in achieving the agency's regulatory objectives, while continuing to promote economic growth, innovation, and job creation within the small business community

DATES: Comments must be received on or before July 25, 2011.

ADDRESSES: You may submit comments, identified by Docket No. SBA–2011–0012 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Identify comments by ''Docket No. SBA–2011–0012, Regulatory Burden RFI,'' and follow the instructions for submitting comments.

• *Mail:* U.S. Small Business Administration, Office of the General Counsel, 409 Third Street, SW., Washington, DC 20416.

SBA will post comments on *http://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the information to Martin S. Conrey, Assistant General Counsel for Legislation and Appropriations, Office of General Counsel, 409 Third Street, SW., Washington, DC 20416. Highlight the information that you consider to be CBI, and explain why you believe this information should be held confidential. SBA will review the information and make the final determination of whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: Martin S. Conrey, Assistant General Counsel for Legislation and Appropriations, Office of the General Counsel, 409 Third Street, SW., Washington, DC 20416; telephone 202–619–0638.

SUPPLEMENTARY INFORMATION: On January 18, 2011, President Obama issued Executive Order 13563, ''Improving Regulation and Regulatory Review.'' The Executive Order requires Federal agencies to seek more affordable, less intrusive ways to achieve policy goals and give careful consideration to the benefits and costs of their regulations. The Executive Order also requires agencies to develop a preliminary plan for reviewing their regulations to determine, among other things, if they are outdated, ineffective, insufficient, or excessively burdensome on the public. On March 14, 2011, as part of SBA's implementation of the Executive Order, the agency published a notice in the **Federal Register** soliciting comments to assist the agency in the development of the preliminary plan required by the Executive Order, and to identify whether any of SBA's existing regulations should be modified, streamlined, expanded or repealed (76 FR 13532). SBA received 11 comments in Regulations.gov from a mix of small business trade organizations, a small business owner, an SBA loan program participating lender, an advocacy and research organization, associations of research universities, and members of the general public. Those comments are summarized in the *SBA's Preliminary Plan for Retrospective Review of Existing Regulations* (May 17, 2011), which is posted on the agency's Open Government Web site at *http://www.sba.gov/content/sba-preliminary-plan-retrospective-analysis-existing-rules*). In addition to the **Federal Register** notice, SBA solicited ideas during the Small Business Jobs Act Tour (see *http://www.sba.gov/jobsacttour*) and the Startup America: Reducing Barriers roundtable events (see *http://www.sba.gov/content/startup-america-reducing-barriers-roundtables.*) Comments provided at these events will be considered in developing the final plan.

To ensure that the plan meets the objectives of the Executive Order and to benefit from the expertise of interested members of the public, the SBA is now requesting public comments on this preliminary plan before finalizing it. To comment on the preliminary plan, visit *http://www.regulations.gov* and insert SBA–2011–0012 in the ''Enter Keyword or ID'' box. Once you are taken to the docket for the plan, click on the ''Submit a Comment'' bubble to open the comment form. When providing input, the SBA requests that commenters provide as much detail as possible and provide empirical evidence and data to support responses. The SBA will consider the public comments in development of the agency's final plan as well as the retrospective analysis of the rules.

SBA notes that this Request for comments is issued solely for information and program-planning purposes. SBA will give careful consideration to the responses, and may use them as appropriate during the retrospective review, but we do not anticipate providing a point-by-point response to each comment submitted. While responses to this request for comments do not bind the Agency to any further actions related to the response, all submissions will be made publically available on *http://www.regulations.gov.*

Authority: 15 U.S.C. 5(b)(6), E.O. 13653, 76 FR 3821.

Dated: June 16, 2011.

Michael A. Chodos,

Deputy General Counsel.

[FR Doc. 2011–15667 Filed 6–22–11; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 65, 119, 121, 135, and 142

[Docket No. FAA–2008–0677; Notice No. 08–07A]

RIN 2120–AJ00

Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); extension of comment period.

SUMMARY: This action extends the comment period for an SNPRM that was published on May 20, 2011. In that document, the FAA proposed to amend the regulations for crewmember and aircraft dispatcher training programs in domestic, flag, and supplemental operations. This extension is a result of requests for extension of the comment period. One request for extension was from the Air Transport Association of America, Cargo Airline Association, Air Carrier Association of America, Regional Airline Association, National Air Carrier Association, Boeing Company, and Airbus Americas. The second request for extension was from the Air Line Pilots Association. The third request for extension was from the International Air Transport Association.

DATES: The comment period for the SNPRM published on May 20, 2011, was scheduled to close on July 19, 2011, and is extended until September 19, 2011.

ADDRESSES: You may send comments identified by docket number FAA–2008–0677 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

• *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue, SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, *etc.*). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For flightcrew member information contact James K. Sheppard, *email: james.k.sheppard@faa.gov;* for flight attendant information contact Nancy Lauck Claussen, *email: Nancy.l.Claussen@faa.gov;* and for aircraft dispatcher information contact Leo D. Hollis, *email: Leo.d.Hollis@faa.gov;* Air Transportation Division (AFS–200), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8166. For legal questions, contact Anne Bechdolt, Office of Chief Counsel (AGC–200), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, 20591; *email: Anne.Bechdolt@faa.gov;* telephone 202–267–3073.

SUPPLEMENTARY INFORMATION:

See the ''Additional Information'' section for information on how to comment on this proposal and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket, privacy, the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

Background

On May 20, 2011, the FAA published Notice No. 08–07A, Qualification, Service, and Use of Crewmembers and Aircraft Dispatchers (76 FR 29336). Comments to that document were to be received on or before July 19, 2011.

In a letter dated May 25, 2011, the Air Transport Association of America, Cargo Airline Association, Air Carrier Association of America, Regional Airline Association, National Air Carrier Association, Boeing Company, and Airbus Americas requested a 180-day extension of the comment period. In a letter dated May 27, 2011, the Air Line Pilots Association requested a 60-day extension of the comment period. In addition, in an undated letter, the International Air Transport Association requested a 180-day extension of the comment period. The petitioners noted that the SNPRM and supporting documents are extensive.

While the FAA concurs with the petitioners' requests for an extension of the comment period on Notice No. 08–07A, it does not support a 180-day extension. The FAA finds that providing an additional 60 days is sufficient for these petitioners to analyze the SNPRM and supporting documents and provide meaningful comment to Notice No. 08–07A.

The FAA does not anticipate any further extension of the comment period for this rulemaking.

Extension of Comment Period

In accordance with § 11.47(c) of title 14, Code of Federal Regulations, the FAA has reviewed the petitions for extension of the comment period to Notice No. 08–07A. These petitioners have shown a substantive interest in the proposed rule and good cause for the extension. The FAA has determined that extension of the comment period is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for Notice No. 08–07A is extended until September 19, 2011.

Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

Proprietary or Confidential Business Information: Do not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD–ROM, mark the outside of the disk or CD–ROM, and identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or

3. Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

Issued in Washington, DC, on June 17, 2011.

Dennis R. Pratte,

Acting Director, Office of Rulemaking.

[FR Doc. 2011–15690 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2011–0628]

Clarification of Prior Interpretations of the Seat Belt and Seating Requirements for General Aviation Flights

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed clarification of prior interpretations.

SUMMARY: This action proposes to clarify prior interpretations of the seat belt and seating requirements of 14 CFR 91.107(a)(3). These prior interpretations state that the shared use of a single restraint may be permissible. The proposed clarification states that the use of a seat belt and/or seat by more than one occupant is appropriate only if: The seat belt is approved and rated for such use; the structural strength requirements for the seat are not exceeded; and the seat usage conforms with the limitations contained in the approved portion of the Airplane Flight Manual. The proposed clarification also emphasizes that the proper restraint method for children during operations conducted under part 91 relies on the good judgment of the pilot, who should be intimately aware of the capabilities and structural requirements of the aircraft that he or she is operating.

DATES: Comments must be received on or before August 22, 2011.

ADDRESSES: You may send comments identified by docket number FAA–2011–0628 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send Comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

FOR FURTHER INFORMATION CONTACT: Alex Zektser, Attorney, Regulations Division, Office of Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–3073; email: *Alex.Zektser@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites interested persons to submit written comments, data, or views concerning this proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written comments, or if you are filing comments electronically, please submit your comments only one time.

The FAA will file in the docket all comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposal. Before acting on this proposal, the FAA will consider all comments received on or before the closing date for comments and any late-filed comments if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of comments received.

Availability of This Proposed Clarification of Prior Interpretations

You can get an electronic copy using the Internet by—

(1) Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number or notice number of this proposal.

Background

On March 22, 2009, a Pilatus PC–12/45 descended and impacted the ground near the approach end of a runway at Bert Mooney Airport in Butte, Montana. After investigating this incident, the National Transportation Safety Board (NTSB) determined the following.

At the time of the impact, the Pilatus PC–12/45 airplane was operating as a personal flight under the provisions of 14 CFR part 91. The pilot and the 13 airplane passengers were killed, and the airplane was destroyed by impact forces and the postcrash fire. Among the 13 passengers were six adults and seven children. Because the flight was a single-pilot operation, eight seats in the cabin and one seat in the cockpit were available to the 13 passengers. Thus, the number of passengers exceeded the number of available seats. The NTSB was unable to determine the original seating position for most of the occupants, but the bodies of four children, ages 3 to 9 years, were found farthest from the impact site, indicating that these children were likely thrown from the airplane because they were unrestrained or improperly restrained. The NTSB noted that if the accident had been less severe and the impact had been survivable, any unrestrained occupant or occupants sharing a single restraint system would have been at a much greater risk of injury or death.

As a result of the March 22, 2009 incident described above, the NTSB has requested that the FAA withdraw its prior interpretations of 14 CFR 91.107(a)(3), which permit the shared use of a single restraint system.

Discussion of the Proposal

In response to the NTSB's request, the FAA proposes to clarify its prior interpretations of 14 CFR 91.107(a)(3) as follows.

For part 91 operations, section 91.107(a)(3) requires that ''each person on board a U.S. registered civil aircraft * * * must occupy an approved seat or berth with a safety belt and, if installed, shoulder harness, properly secured about him or her during movement on the surface, takeoff, and landing.'' Children under the age of two may be held by an adult who is occupying an approved seat or berth and no restraining device for the child is used. In contrast, for commercial operations under part 121, section 121.311 requires that each person ''occupy an approved seat or berth with a separate safety belt properly secured about him.''

When § 121.311 and § 91.107 (previously § 91.14) were first promulgated in 1971, the FAA clarified that the separate use provision for safety belts under part 121 was not intended to apply to part 91 operations. Rather, part 91 ''requires only that each person on board occupy a seat or berth with a safety belt properly secured about him.'' 36 FR 12511 (July 1, 1971). The FAA has previously interpreted this provision as not requiring separate use

of safety belts. *See* Legal Interpretation 1990–14. At the time, this allowance was permissible because seat belts were generally rated in terms of strength and some were rated for more than one occupant to accommodate side-by-side seating arrangements (i.e., bench seats) in certain aircraft that are commonly used in operations conducted under part 91. Thus, use of a seat belt and seat by more than one occupant may have been appropriate only if: (1) The belt was approved and rated for such use; (2) the structural strength requirements for the seat were not exceeded; and (3) the seat usage conformed with the limitations contained in the approved portion of the Airplane Flight Manual (14 CFR § 23.1581(j)). *See* 36 FR 12511; *see also* 14 CFR 23.562, 23.785; Legal Interpretation 1990–14; Legal Interpretation to Mr. C.J. Leonard from Hays Hettinger, Associate Counsel (July 26, 1966). Under the FAA's proposed clarification, seating arrangements that do not comply with the above conditions would not be able to use the FAA's prior interpretations of § 91.107(a)(3) to justify the shared use of a single restraint system.

The FAA also emphasizes that although § 91.107(a)(3) and § 91.205(b)(13), as previously interpreted by the agency, may allow for shared use of a single restraint in certain situations, whether a child should be held, or placed under a safety belt, or allowed to share a single restraint or seat with another occupant during part 91 operations, is a matter of prudent operating practice. The FAA has strongly advocated, and continues to advocate, the use of child restraints such as child safety seats for children who are within the weight restriction of the restraint. *See* 57 FR 42662, 42664 (Sept. 15, 1992) (allowing the use of child restraint systems in operations conducted under parts 91, 121, 125, 135, and recognizing that the ''use of child restraints in an aircraft will provide a level of safety greater than that which would be provided if the young children were held in the arms of adults or if safety belts alone were used''); 70 FR 50902, 50903 (Aug. 26, 2005) (allowing use of child restraint systems that are approved by the FAA); 71 FR 40003, 40005 (July 14, 2006) (allowing use of more types of child restraint systems). The FAA recognizes that properly restraining children on aircraft is difficult because there is a large variance in muscle development, height, weight, and upper body strength. Thus, good judgment of the pilot, who should be intimately aware of the capabilities and structural requirements of the aircraft he or she is operating, is critical in determining the proper method of restraint for children during operations conducted under part 91.

Issued in Washington, DC, on June 17, 2011.

Rebecca B. MacPherson,

Assistant Chief Counsel for Regulations, AGC–200.

[FR Doc. 2011–15709 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 81

[Docket Number NIOSH–0209]

RIN 0920–AA39

Guidelines for Determining Probability of Causation Under the Energy Employees Occupational Illness Compensation Program Act of 2000; Revision of Guidelines on Non-Radiogenic Cancers; Extension of Comment Period

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On March 21, 2011, the Department of Health and Human Services (HHS) published a Notice of Proposed Rulemaking proposing to treat chronic lymphocytic leukemia (CLL) as a radiogenic cancer under the Energy Employees Occupations Illness Compensation Program Act (EEOICPA) of 2000. The public comment period was scheduled to end on June 20, 2011. We have received a request asking to extend the public comment period. In consideration of this request, HHS is extending the public comment period by 30 days to July 20, 2011.

DATES: The comment period for the proposed rule published March 21, 2011 (76 FR 15268), is extended. Written or electronic comments must be received on or before July 20, 2011. Please refer to **SUPPLEMENTARY INFORMATION** for additional information.

ADDRESSES: You may submit comments, identified by RIN 0920–AA39, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: nioshdocket@cdc.gov.* Include ''RIN: 0920–AA39'' and ''42 CFR Part 81'' in the subject line of the message.
- *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS–C34, 4676 Columbia Parkway, Cincinnati, OH 45226.

Instructions: All submissions received must include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking, RIN 0920–AA39. All comments received will be posted without change to *http://www.cdc.gov/niosh/docket/archive/docket209.html,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.cdc.gov/niosh/docket/archive/docket209.html.*

FOR FURTHER INFORMATION CONTACT: Stuart Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS–C46, Cincinnati, OH 45226; telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *dcas@cdc.gov.*

SUPPLEMENTARY INFORMATION: HHS published a proposed rule entitled ''Guidelines for Determining Probability of Causation Under the Energy Employees Occupational Illness Compensation Program Act of 2000,'' on Monday, March 21, 2011 (76 FR 15268).

In the notice of proposed rulemaking, HHS would treat chronic lymphocytic leukemia (CLL) as a radiogenic cancer under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA). Under current guidelines promulgated by HHS as regulations in 2002, all types of cancers except for CLL are treated as being potentially caused by radiation and hence, as potentially compensable under EEOICPA. HHS proposes to reverse its decision to exclude CLL from such treatment.

HHS received a request to extend the comment period. In consideration of that request, HHS is extending the comment period by 30 days, such that all comments must be received on or before July 20, 2011. This extended deadline will have provided commenters with 90 days for comment on the proposed rule while preserving the Agency's ability to make timely progress on this occupational health priority.

Accordingly, the comment period for the proposed rule published March 21, 2011 (76 FR 15268), is extended until July 20, 2011.

Dated: June 20, 2011.

Kathleen Sebelius,

Secretary, Department of Health and Human Services.

[FR Doc. 2011–15703 Filed 6–20–11; 4:15 pm]

BILLING CODE P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 4

[PS Docket No. 11–82; FCC 11–74]

Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** of June 9, 2011, concerning request for comments on a proposal to extend the Commission's communications outage reporting requirements to interconnected Voice over Internet Protocol (VoIP) service providers and broadband Internet Service Providers (ISPs). The document contained incorrect information regarding proposed information collection.

FOR FURTHER INFORMATION CONTACT: Gregory Intoccia, Public Safety and Homeland Security Bureau, at (202) 418–1470, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554; or via the Internet to *Gregory.Intoccia@fcc.gov.*

Correction

In the **Federal Register** of June 9, 2011, in FR Doc. 2011–14311, on page 33699, in the third column, correct paragraph 108 to read:

This document contains proposed information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due on or before August 8, 2011, and reply comments are due on or before October 7, 2011. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) way to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

OMB Control Number: None.

Title: Communications Outage Reporting for Interconnected Voice over Internet Protocol Service Providers, Broadband Internet Access Service Providers, and Broadband Backbone Internet Service Providers.

Type of Review: New collection.

Respondents: Businesses (Interconnected Voice over Internet Protocol Service Providers and Broadband Internet Service Providers).

Number of Respondents and Responses: 22,000 (estimated) potential Respondents, but fewer than 2000 outage reports are expected annually.

Estimated Time Per Response: Less than one hour.

Frequency of Response: Indeterminate—reporting only required when Respondent experiences certain threshold outage conditions; nation-wide fewer than 2,000 outage reports are expected annually.

Obligation To Respond: Under the proposal, notification would be required within 2 hours after discovering an outage reaching threshold conditions; an initial report would be due within 72 hours after discovering an outage reaching threshold conditions; and a final report would be due within 30 days after discovering the outage reaching threshold conditions.

Total Annual Burden: The same or similar information is believed to be collected in the ordinary course of business and would be submitted electronically, and therefore the burden would be minimal.

Total Annual Costs: The same or similar information is believed to be collected in the ordinary course of business and would be submitted electronically, and therefore cost would be minimal.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: Reporting on confidential basis.

Needs and Uses: To better understand the causes of, and reduce the outages of Interconnected Voice over Internet Protocol Service and Broadband Internet Service, especially as these outages affect 911 service.

Statutory Authority: Sections 1, 2, 4(i)–(k), 4(o), 218, 219, 230, 256, 301, 302(a), 303(f), 303(g), 303(j), 303(r), 403, 615a–1, 621(b)(3), 621(d), 1302(a), and 1302(b) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–(k), 154(o), 218, 219, 230, 256, 301, 302(a), 303(f), 303(g), 303(j), 303(r), 403, 615a–1, 621(b)(3), 621(d), 1302(a), and 1302(b), and section 1704 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, 44 U.S.C. 3504.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2011–15745 Filed 6–22–11; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 110527309–1307–01]

RIN 0648–BA90

Atlantic Highly Migratory Species; 2011 North and South Atlantic Swordfish Quotas

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would adjust the North and South Atlantic swordfish quotas for the 2011 fishing year to account for 2010 underharvests and landings. This proposed rule incorporates International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations 10–02 and 09–03 into the quota adjustments for the 2011 fishing year. These recommendations extend, through the 2011 fishing year, the previously established baseline quotas for North and South Atlantic swordfish. Without this rule, the United States would be out of compliance with ICCAT recommendations.

DATES: Comments on this proposed rule may be submitted by July 25, 2011.

ADDRESSES: You may submit comments, identified by RIN 0648–BA90, by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal at *http://www.regulations.gov.*
- *Fax:* 301–713–1917, Attn: Jennifer Cudney.
- *Mail:* 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jennifer Cudney or Karyl Brewster-Geisz by phone (301–713–2347) or by fax (301–713–1917).

Copies of the supporting documents—including the 2007 Environmental Assessment (EA), Regulatory Impact Review (RIR), Final Regulatory Flexibility Analysis (FRFA), and the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP)—are available from the HMS Web site at *http://www.nmfs.noaa.gov/sfa/hms/.*

SUPPLEMENTARY INFORMATION: The U.S. Atlantic swordfish fishery is managed under the 2006 Consolidated HMS FMP. Implementing regulations at 50 CFR part 635 are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.,* and the Atlantic Tunas Convention Act (ATCA), 16 U.S.C. 971 *et seq.* As an active member of ICCAT, the United States implements the binding recommendations of ICCAT to comply with this international treaty. Under ATCA, Congress granted the authority to promulgate regulations as may be necessary and appropriate to implement binding recommendations of ICCAT.

North Atlantic Swordfish Quota

ICCAT recommendation 06–02 established a western North Atlantic swordfish total allowable catch (TAC) of 14,000 metric tons (mt) whole weight (ww) (10,526 mt dressed weight (dw)) through 2008. Of this TAC, the United States baseline quota was 2,937.6 mt dw (3,907.3 mt ww) per year. ICCAT recommendation 08–02 extended recommendation 06–02 through 2009, and maintained the U.S. previous years' quota allocation of 2,937.6 mt dw. ICCAT recommendation 09–02 reduced the western North Atlantic TAC to 13,700 mt ww (10,300.8 mt dw) through 2010. Of the 13,700 mt ww TAC, the United States continued to be allocated 2,937.6 mt dw (3,907.3 mt ww). At the 2010 ICCAT meeting, recommendation 10–02 was adopted for North Atlantic Swordfish for one year. Recommendation 10–02 included a total TAC of 13,700 mt ww, maintained the previous years' U.S. quota allocation of 2,937.6 mt dw, and maintained an 18.8 mt dw annual transfer to Canada. ICCAT recommendation 10–02 also limited the amount of North Atlantic swordfish underharvest that can be carried forward by all Contracting Parties, non-Contracting Cooperating Parties, Entities and Fishing Entities (CPCs) to 50 percent of the baseline quota allocation. Therefore, the United States may carry over a maximum of 1,468.8 mt dw of underharvests from the previous year (2010) to be added to the 2011 baseline quota.

This proposed rule would adjust the U.S baseline quota for the 2011 fishing year to account for the 2010 underharvests. The 2011 North Atlantic swordfish baseline quota is 2,937.6 mt dw. The preliminary North Atlantic swordfish underharvest for 2010 was 2,921.10 mt dw, which exceeds the maximum carryover cap of 1,468.8 mt dw. Therefore, NMFS proposes to carry forward the capped amount per the ICCAT recommendation 10–02. The baseline quota plus the underharvest carryover maximum of 1,468.8 mt dw equals 4,406.4 mt dw, which is the proposed adjusted quota for the 2011 fishing year. From that proposed adjusted quota, the directed category would be allocated 3,677.1 mt dw that would be split equally into two seasons in 2010 (January through June, and July through December). The reserve category would be reduced from a quota of 448.1 mt dw to 429.3 mt dw due to the transfer of 18.8 mt dw to Canada per recommendation 10–02 (Table 1). This proposed rule would also allocate 300 mt dw to the incidental category, which includes recreational landings for the 2011 fishing season, per § 635.27 (c)(1)(i)(B). These landings are based on preliminary data. As late reports are received and the data go through a quality control process, some data may change. Any changes will be described in the final rule, as appropriate.

South Atlantic Swordfish Quota

ICCAT recommendation 06–03 established the South Atlantic swordfish TAC at 17,000 mt ww for 2007, 2008, and 2009. Of this, the United States received 75.2 mt dw (100 mt ww). As with the North Atlantic swordfish recommendation, ICCAT recommendation 06–03 established a cap on the amount of underharvest that can be carried forward. For South Atlantic swordfish, the United States is limited to carrying forward 100 percent (75.2 mt dw). The most recent South Atlantic swordfish measure, recommendation 09–03, is a 3-year measure that reduced the TAC to 15,000 mt dw but maintains the previous years' U.S. quota share of 75.2 mt dw (100 mt ww) through 2012.

ICCAT recommendation 09–03 also requires that a total of 75.2 mt dw (100 mt ww) of the U.S. South Atlantic swordfish quota be transferred to other countries. These transfers are 37.6 mt dw (50 mt ww) to Namibia, 18.8 mt dw (25 mt ww) to Cote d'Ivore, and 18.8 mt dw (25 mt ww) to Belize. In 2010, the 75.2 mt dw that was transferred to these countries came entirely from the 2009 U.S. underharvested quota. In 2010, U.S. fishermen landed 0.2 mt dw of the U.S. quota. As such, due to 2010 landings of 0.2 mt dw, the United States only has 75.0 mt dw of the 2010 underharvest available for transfer and must transfer the remaining 0.2 mt dw from the 2011 baseline quota. Therefore, the 2011 adjusted quota for South Atlantic swordfish is 75.0 mt dw (Table 1).

Impacts

In recent years, the United States has not caught its entire swordfish quota. Beginning in 2007, the amount of underharvest that was available for carryover was capped at 50 percent of the quota for North Atlantic swordfish, and 100 percent for South Atlantic swordfish. The proposed adjusted quota for the North Atlantic swordfish, after accounting for the 2010 underharvests and annual transfer to Canada, would be the same in 2011 as the 2007 adjusted quota specifically examined in the Environmental Assessment (EA) that was prepared for the 2007 Swordfish Quota Specification Final Rule published on October 5, 2007 (72 FR 56929). While the 2011 baseline quota for South Atlantic swordfish is the same as that examined in the above mentioned EA, the proposed adjusted quota for the South Atlantic swordfish, after accounting for the 2010 landings

and the transfer to other countries, would be 0.2 mt dw less than the adjusted quota examined in the EA. The quota adjustments would not increase overall quotas and are not expected to increase fishing effort, protected species interactions, or environmental effects beyond those considered in the EA mentioned above. Therefore, because there would be no changes to the swordfish management measures in this proposed rule, or the affected environment or any environmental effects that have not been previously analyzed, NMFS has determined that the proposed rule and impacts to the human environment as a result of the quota adjustments are not significant and therefore additional NEPA analysis beyond that discussed in the 2007 EA is not required.

Administrative Change

This proposed rule also makes a minor modification to the regulatory text. In the proposed rule establishing the 2003 swordfish quotas for the North and South Atlantic fisheries (68 FR 36967; June 20, 2003), NMFS proposed several changes to the regulatory text. In that proposed rule, NMFS included the sentence ''The annual incidental category quota is 300 mt dw for each fishing year.'' That sentence had been in the regulations for several years previous to that proposed rule. NMFS recently noticed that that sentence was inadvertently removed in the final rule (69 FR 68090; November 23, 2004) that finalized the swordfish quotas for that fishing year. NMFS proposes to reinstate that sentence in the regulatory text.

TABLE 1—LANDINGS AND QUOTAS FOR THE ATLANTIC SWORDFISH FISHERIES (2007–2011)

North Atlantic Swordfish quota (mt dw)		2007	2008	2009	**2010	2011
Baseline Quota		2,937.6	2,937.6	2,937.6	2,937.6	2,937.6
Quota Carried Over		1,468.8	1,468.8	1,468.8	1,468.8	1,468.8
Adjusted quota		4,406.4	4,406.4	4,406.4	4,406.4	4,406.4
Quota Allocation	Directed Category	3,601.9	3,620.7	3,639.5	3,658.3	3,677.1
	Incidental Category	300.0	300.0	300.0	300.0	300.0
	Reserve Category	504.5	485.7	466.9	448.1	429.3
Utilized Quota	Landings	1,907.3	1,752.7	2,027.0	**1,466.5	TBD
	Reserve Transfer to Canada	18.8	18.8	18.8	18.8	18.8
Total Underharvest		2,480.3	2,634.9	2,360.6	**2,921.1	TBD
Dead Discards		109.8	149.8	106.8	TBD	TBD
Carryover Available +		1,468.8	1,468.8	1,468.8	1,468.8	TBD
South Atlantic Swordfish Quota (mt dw)		**2007**	**2008**	**2009**	****2010**	**2011**
Baseline Quota		75.2	75.2	75.2	75.2	75.2
Quota Carried Over		75.2	75.2	75.2	*0.0	* −0.2
Adjusted quota		150.4	150.4	75.2	75.2	75.0
Landings		0.0	0.0	0.0	**0.2	TBD
Carryover Available		75.2	75.2	75.2	75.0	TBD

+ Under harvest is capped at 50 percent of the baseline quota allocation for the North Atlantic and 75.2 dw (100 mt ww) for the South Atlantic.
* Under 09–03, 100 mt ww of the U.S. underharvest and base quota, as necessary, was transferred to Namibia (37.6 mt dw, 50 mt ww), Cote d'Ivore (18.8 mt dw, 25 mt ww), and Belize (18.8 mt dw, 25 mt ww).
** 2010 landings data are preliminary and are subject to change based on the 2011 ICCAT National Report.

Public Hearings

Public hearings on this proposed rule are not currently scheduled. If you would like to request a public hearing please contact Jennifer Cudney or Karyl Brewster-Geisz by phone at 301–713–2347.

Classification

The NMFS Assistant Administrator has determined that this proposed rule is consistent with the Consolidated HMS FMP, the Magnuson-Stevens Act, ATCA, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Council for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities because the United States is not expected to catch its entire quota, and the quota adjustments are the same in 2011 as they were in 2007, 2008, 2009, and 2010.

The National Marine Fisheries Service (NMFS) published a final rule on October 5, 2007 (72 FR 56929), that established the 2,937.6 metric tons (mt) dressed weight (dw) and 75.2 mt dw yearly baseline quotas for the North and South Atlantic swordfish, respectively; established an underharvest carryover cap of 50 percent of the baseline quota for North Atlantic swordfish and 100 percent of the baseline quota for South Atlantic swordfish; and transferred 18.8 mt dw of quota to Canada from the reserve category in the North Atlantic. These actions were based upon the ICCAT recommendations 06–02 for North Atlantic swordfish and 06–03 for South Atlantic swordfish. Under ATCA, the United States may promulgate regulations as necessary and appropriate to implement binding recommendations of ICCAT.

At the 2010 ICCAT meeting, recommendation 10–02 was adopted for North Atlantic Swordfish for one year. Recommendation 10–02 maintains the U.S. previous years' quota allocation of 2,937.6 mt dw as well as an 18.8 mt dw annual transfer to Canada. As such, the proposed 2011 adjusted quota is 4,406.4 mt dw for North Atlantic swordfish.

This proposed rule would also adjust the 2011 baseline quota for the South Atlantic swordfish fisheries for the 2011 fishing year (January 1, 2011, through December 31, 2011) to account for 2010 underharvests per § 635.27(c) based on

ICCAT recommendation 09–03. The ICCAT South Atlantic swordfish measure, recommendation 09–03, is a 3-year measure that maintains the U.S. quota share of 75.2 mt dw (100 mt whole weight (ww)). Recommendation 09–03 also states that a total of 75.2 mt dw (100 mt ww) of the U.S. South Atlantic swordfish quota be transferred to other countries. These transfers have been drawn from underharvests rolled over from the previous year. Due to 2010 landings of 0.2 mt dw, the United States can only transfer 75.0 mt dw of underharvest in 2011; the remaining 0.2 mt must be transferred from the baseline quota. These transfers are 37.6 mt dw (50 mt ww) to Namibia, 18.8 mt dw (25 mt ww) to Cote d'Ivore, and 18.8 mt dw (25 mt ww) to Belize. Therefore, the proposed 2011 adjusted quota is 75.0 mt dw for South Atlantic swordfish (Table 1).

The commercial swordfish fishery is comprised of fishermen who hold a swordfish directed, incidental, or handgear limited access permit (LAP) and the related industries, including processors, bait houses, and equipment suppliers, all of which NMFS considers to be small entities according to the size standards set by the Small Business Administration. As of October 2010, there were approximately 177 fishermen with a directed swordfish LAP, 72 fishermen with an incidental swordfish LAP, and 75 fishermen with a handgear LAP for swordfish. Based on the 2009 swordfish ex-vessel price per pound of $3.49, the 2011 North and South Atlantic swordfish baseline quotas could result in gross revenues of $22,602,050 (6,476,232 lbs dw * $3.49) and $577,054 (165,345 lbs dw * $3.49), respectively, if the quotas were fully utilized. Under the adjusted quotas, the gross revenues could be $33,903,080 and $577,054, respectively, for fully utilized quotas. Potential revenues on a per vessel basis, considering a total of 324 swordfish permit holders, could be $104,639 for the North Atlantic swordfish fishery and $1,781 for the South Atlantic swordfish fishery.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: June 17, 2011.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

2. In § 635.27, paragraph (c)(1)(i)(B) is revised to read as follows:

§ 635.27 Quotas.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(B) A swordfish from the North Atlantic swordfish stock landed by a vessel for which an incidental catch permit for swordfish or an HMS Angling or Charter/Headboat permit has been issued, or caught after the effective date of a closure of the directed fishery from a vessel for which a directed fishery permit or a handgear permit for swordfish has been issued, is counted against the incidental catch quota. The annual incidental category quota is 300 mt dw for each fishing year.

* * * * *

[FR Doc. 2011–15641 Filed 6–17–11; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 76, No. 121

Thursday, June 23, 2011

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2011–0059]

Notice of Establishment of a New Plant Protection and Quarantine Stakeholder Registry

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the availability of a new Plant Protection and Quarantine email subscription service and advises current subscribers on how to continue receiving emails on topics of interest.

FOR FURTHER INFORMATION CONTACT: For information on the PPQ Stakeholder Registry, contact Ms. Donna L. West, Senior Import Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 734–0627.

SUPPLEMENTARY INFORMATION: The Plant Protection and Quarantine (PPQ) stakeholder registry is an email subscription service that allows individuals to receive information about PPQ activities on a variety of plant health topics. PPQ has redesigned the registry to enable PPQ to more effectively communicate urgent messages to the public and keep the public informed on day-to-day activities. Current subscribers will need to subscribe to the new PPQ Stakeholder Registry in order to continue receiving emails on PPQ-related topics.

Subscribers will be able to choose from an array of PPQ topics such as PPQ hot issues, Federal notices, irradiation programs, foreign pests and diseases, plant pest programs, and updates to manuals and the Fruits and Vegetables Import Requirements database. Subscribers may also select how often to receive emails, Really Simple Syndication (RSS) feeds, or Short Message Service (SMS) messages.

Current and new subscribers may sign up now for the new registry at *https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new* or by clicking on the red envelope icon throughout the plant health pages on the APHIS Web site at *http://www.aphis.usda.gov/plant_health/index.shtml.* The current PPQ stakeholder registry will be disabled on July 8, 2011. Questions concerning the PPQ stakeholder registry may be directed to *APHISPPQ stakeholderregistry@aphis.usda.gov.*

Done in Washington, DC, this 17th day of June 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2011–15700 Filed 6–22–11; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Salmon-Challis National Forest, ID; Forestwide Invasive Plant Treatment Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Invasive plants have been identified as a major threat to the biological diversity and ecological integrity within and outside the Salmon-Challis National Forest. Invasive plants create many adverse environmental effects, including, but not limited to: Displacement of native plants; reduction in functionality of habitat and forage for wildlife and livestock; threats to populations of threatened, endangered and sensitive species; alteration of physical and biological properties of soil, including productivity; changes to the intensity and frequency of fires; and loss of recreational opportunities.

Within the 3,108,904 acres of the of the Salmon-Challis National Forest outside of the Frank Church River of No Return Wilderness, approximately 65,000 acres are identified as being infested with invasive, non-native, and/or State-listed noxious weeds. These invasive plant infestations have a high potential to expand on lands within and adjacent to the Salmon-Challis National Forest, degrading desired plant communities and the values provided by those communities. Forest lands are also threatened by ''potential invaders,'' invasive plants that have not been found on the Salmon-Challis National Forest but are known to occur in adjacent lands, counties, or states. Infestations can be prevented, eliminated, or controlled through the use of specific management practices. A clear and comprehensive integrated invasive plant management strategy would allow for the implementation of timely and effective invasive plant management and prevention for projects and programs on the Salmon-Challis National Forest. In the absence of an aggressive invasive plant management program, the number, density, and distribution of invasive plants on the Forest will continue to increase.

DATES: Comments concerning the scope of the analysis must be received by August 8, 2011. The draft environmental impact statement is expected in August, 2012 and the final environmental impact statement is expected in September, 2013.

ADDRESSES: Send written comments to Salmon-Challis National Forest, *Attn:* Invasive Plant Treatment EIS, H/C 63 Box 1669, Challis, ID 83226. Comments may also be sent via e-mail to *comments-intermtn-salmon-challis@fs.fed.us,* or via facsimile to (208) 875–4199.

FOR FURTHER INFORMATION CONTACT: Jennifer Purvine, Interdisciplinary Team Leader, c/o Challis-YankeeFork RD, H/C 63 Box 1669, Challis, ID 83226 or by phone at (208) 879–4162.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The overall purpose of the proposed action is to reduce the negative effects of invasive plants on the structure and function of native plant communities and on other natural resource values that can otherwise be adversely impacted by invasive plants and to update analysis of the effects of Forestwide integrated invasive plant management. The proposal is in response to an underlying need to

implement policy and direction provided at the National, Regional, State, and Forest levels, which includes control and containment of invasive plants on the Salmon-Challis National Forest (Executive Order 13112—Invasive Species, 2004 National Invasive Species Strategy and Implementation Plan, 2008–2012 National Invasive Species Management Plan, 2009 Intermountain Region Invasive Species Management Strategy, 2005 Idaho Strategic Plan for Managing Noxious and Invasive Weeds, 1987 Challis National Forest Land and Resource Management Plan, 1988 Salmon National Forest Land and Resource Management Plan).

The need of the proposed action is multifaceted:

Invasive plants are diminishing the natural resource values of the Forest.

Forest resources are negatively impacted by existing and expanding invasive plant species populations. These species are known to out-compete native plants, which can result in reduced productivity and biodiversity, habitat loss, and associated economic impacts.

There must be a timely response to new infestations, new invasive plant species, and landscape scale disturbances.

On the Salmon-Challis National Forest, landscape level tree mortality and disturbance from insects and wildfires have increased and are likely to continue to increase the potential for invasive plant infestations. The Forest needs the flexibility to treat expanded and/or newly identified infestations in a timely manner. Existing decisions for invasive plant management on the Forest do not address new species or provide priorities for managing new infestations. Updating these decisions would allow the Forest to satisfy the need to incorporate early detection and rapid response into the invasive plant management program.

Existing invasive plant populations on the Salmon-Challis National Forest require active and adaptive management.

Invasive plant infestations already exist throughout the Salmon-Challis National Forest and without management will likely increase in density and distribution. Active and adaptive integrated pest management is necessary to contain invasive plants within existing boundaries, reduce infestation densities, and retard the establishment of new infestations. Control efforts should be focused on infestations that can realize the greatest resource benefits — those with the highest risk of spread, those that have not become established, and those that have the best likelihood of success of control. New analysis and planning is needed to make available the most current tools and guide their best use. Rehabilitation of degraded landscapes can inhibit the spread and establishment of invasive plants.

Appropriate rehabilitation efforts are a critical component of a fully functional invasive plant management program. The goals of rehabilitating degraded areas may include preventing new infestations, preventing the reoccurrence of eradicated infestations, and/or reducing the density and spread of existing infestations. Post-fire rehabilitation efforts may incorporate one or more of the established control techniques outlined in the Proposed Action.

Federal, State, and Forest Service laws, regulation, policy and direction relating to invasive plant management must be implemented and followed.

Implementing invasive species laws and policies requires aggressive invasive plant management. This analysis would identify the strategies that the Salmon-Challis National Forest would use to comply with laws and policies pertaining to invasive plant management.

Proposed Action

The Salmon-Challis National Forest proposes to implement adaptive and integrated invasive plant management on current and potential infested areas outside of the Frank Church-River of No Return Wilderness Area. Management activities would include inventory and assessment designed to support Early Detection Rapid Response, control methods, implementation and effectiveness monitoring, and rehabilitation. Activities would be implemented with partners at the federal, state, and local level where opportunities exist.

To provide for ''Early Detection Rapid Response'' (EDRR), the Forest would design a plan that allows treatment of invasive plant infestations located outside of currently identified infested areas. Infestations outside of currently identified areas may include new sites that arise in the future, or sites that currently exist, but have not been identified in Forest inventories to date. The intent of EDRR is to allow timely control, so that new infestations can be treated when they are small, preventing establishment and spread, while reducing the costs and potential side effects of treatment.

Proposed control methods would be based on integrated pest management principles and methods known to be effective for each target species. They include, but are not limited to, mechanical techniques, such as mowing and pulling; cultural practices, such as the use of certified noxious weed-free hay; biological control agents, such as pathogens, insects, and controlled grazing; and herbicides that target specific invasive plant species. Control methods could be employed alone or in combination to achieve the most effective control. Treatment methods would be based on the extent, location, type, and character of an infestation and would be implemented using project design features. A maximum of 30,000 acres would be proposed for treatment annually. Management priority would be based on factors such number and size of known infestations, proximity to vectors or susceptible habitat, and ability to outcompete desirable plant species. The priority of species to be treated would vary based on these factors and could change over time. These priorities would be used to guide selection of specific management activities for particular infestations.

Rehabilitation activities would be designed and implemented based on the conditions found in and around infested areas. Both active and passive (allowing plants on site to fill in a treated area) revegetation would be considered. Rehabilitation techniques would be assessed and implemented in order to promote native plant communities that are resistant to infestation by invasive plants.

Responsible Official

Forest Supervisor, Salmon-Challis National Forest, 1206 S. Challis St., Salmon, Idaho 83467.

Nature of Decision To Be Made

The Forest Supervisor will decide whether or not to treat invasive plants on the Salmon-Challis National Forest, outside the Frank Church River of No Return Wilderness, and if so, what methods, how much treatment and what strategies (including adaptive management and EDRR) will be used to contain, control, or eradicate invasive plants.

Scoping Process

This notice of intent initiates the scoping process, which guides the development of the environmental impact statement. Comments that would be most useful are those concerning developing or refining the proposed action, in particular are site specific concerns and those that can help us develop treatments that would be responsive to our goal to control, contain, or eradicate invasive plants. It

is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Public meetings are anticipated to be held following publication of the Draft Environmental Impact Statement.

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the Agency with the ability to provide the respondent with subsequent environmental documents.

Dated: June 15, 2011.

Lyle E. Powers,

Acting Forest Supervisor.

[FR Doc. 2011–15582 Filed 6–22–11; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Tuolumne-Mariposa Counties Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Tuolumne-Mariposa Counties Resource Advisory Committee will meet on July 11, 2011 at the City of Sonora Fire Department, in Sonora, California. The purpose of the meeting is to hear presentations made by project proponents requesting RAC funding.

DATES: The meeting will be held July 11, 2011, from 12 p.m. to 3 p.m.

ADDRESSES: The meeting will be held at the City of Sonora Fire Department located at 201 South Shepherd Street, in Sonora, California (CA 95370).

FOR FURTHER INFORMATION CONTACT: Beth Martinez, Committee Coordinator, USDA, Stanislaus National Forest, 19777 Greenley Road, Sonora, CA 95370 (209) 532–3671, extension 320; e-mail *bethmartinez@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Presentation of non-Forest Service project submittals by project proponents; (2) Public comment on meeting proceedings. This meeting is open to the public.

Dated: *6/17/2011.*

Christina M. Welch,

Deputy Forest Supervisor.

[FR Doc. 2011–15685 Filed 6–22–11; 8:45 am]

BILLING CODE 3410–ED–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: The American Community Survey.

OMB Control Number: 0607–0810.

Form Number(s): ACS–I, ACS–I(SP), ACS–I(PR), ACS–I(PR)(SP), ACS–I(GQ), ACS–I(PR)(GQ), GQFQ, ACS CATI (HU), ACS CAP I (HU), ACS (HU) Reinterview, GQ Reinterview.

Type of Request: Extension of a currently approved collection.

Burden Hours: 2,337,868.

Number of Respondents: 3,760,000.

Average Hours oer Response: 38 minutes.

Needs and Uses: The U.S. Census Bureau requests continued authorization from the Office of Management and Budget (OMB) to conduct the American Community Survey (ACS). The Census Bureau has developed a methodology to collect and update every year demographic, social, economic, and housing data that are essentially the same as the ''long-form'' data that the Census Bureau traditionally has collected once a decade as part of the decennial census. Federal and state government agencies use such data to evaluate and manage federal programs and to distribute funding for various programs that include food stamp benefits, transportation dollars, and housing grants. State, county, and community governments, nonprofit organizations, businesses, and the general public use information like housing quality, income distribution, journey-to-work patterns, immigration data, and regional age distributions for decision-making and program evaluation.

In years past, the Census Bureau collected the long-form data only once every ten years, which become out of date over the course of the decade. To provide more timely data, the Census Bureau developed the ACS. The ACS blends the strength of small area estimation with the high quality of current surveys. There is an increasing need for current data describing lower geographic detail. The ACS is now the only source of data available for small-area levels across the Nation and in Puerto Rico. In addition, there is an increased interest in obtaining data for small subpopulations such as groups within the Hispanic, Asian, and American Indian populations, the elderly, and children. The ACS provides current data throughout the decade for small areas and subpopulations.

The ACS began providing up-to-date profiles in 2006 for areas and population groups of 65,000 or more people, providing policymakers, planners, and service providers in the public and private sectors with information every year—not just every ten years. The ACS program will provide estimates annually for all states and for all medium and large cities, counties, and metropolitan areas. For smaller areas and population groups, it took three to five years to accumulate information to provide accurate estimates. The first three-year estimates were released in 2008; the first five-year estimates in 2010. These multiyear estimates will be updated annually.

Using the Master Address File (MAF) from the decennial census that is updated each year, we will select a sample of addresses, mail survey forms each month to a new group of potential households, and attempt to conduct interviews over the telephone with households that have not responded. Upon completion of the telephone follow-up, we will select a sub-sample of the remaining households, which have not responded, typically at a rate of one in three, to designate a household for a personal interview. We will also conduct interviews with a sample of residents at a sample of group quarters (GQ) facilities. Collecting these data from a new sample of housing unit (HU) and GQ facilities every month provides more timely data and lessened respondent burden in the 2010 Census.

We will release a yearly microdata file, similar to the Public Use Microdata Sample file of the Census 2000 long-form records. In addition, we will produce total population summary tabulations similar to the Census 2000 tabulations down to the block group level. The microdata files, tabulated files, and their associated documentation are available through the Internet.

In January 2005, the Census Bureau began full implementation of the ACS in households with a sample of approximately 250,000 addresses per month in the 50 states and the District of Columbia. In addition, we select

approximately 3,000 residential addresses per month in Puerto Rico and refer to the survey as the PRCS.

In January 2006, the Census Bureau implemented ACS data collection for the entire national population by including a sample of 20,000 GQ facilities and a sample of 200,000 residents living in GQ facilities in the 50 states and the District of Columbia along with the annual household sample. A sample of 100 GQs and 1,000 GQ residents was also selected for participation in the PRCS.

Starting with the June 2011 mail panel, the Census Bureau increased the annual sample size for the ACS to 3,540,000 households (or 295,000 households per month) in the 50 states and the District of Columbia.

The primary need for continued full implementation of the ACS is to provide comparable data at the census tract and block group level. These data are needed by federal agencies and others to provide assurance of long-form type data availability since the elimination of the long form from the 2010 Census.

State and local governments are becoming more involved in administering and evaluating programs traditionally controlled by the federal government. This devolution of responsibility is often accompanied by federal funding through block grants. The data collected via the ACS will be useful not only to the federal agencies but also to state, local, and tribal governments in planning, administering, and evaluating programs.

The ACS provides more timely data for use in area estimation models that provide estimates of various concepts for small geographic areas. In essence, detailed data from national household and GQ surveys (whose samples are too small to provide reliable estimates for states or localities) can be combined with data from the ACS to create reliable estimates for small geographic areas.

We will also continue to examine the operational issues, research the data quality, collect cost information and make recommendations in the future for this annual data collection. Data users can use information from this survey to help evaluate the ACS program and to give feedback to the Census Bureau to help in our evaluations.

Affected Public: Households or individuals.

Frequency: The ACS is conducted monthly. Respondents are asked to give only a one-time response.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 141, 193, and 221.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: June 17, 2011.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–15652 Filed 6–22–11; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Emergency Beacon Registrations.

OMB Control Number: 0648–0295.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 186,306.

Average Hours per Response: 15 minutes.

Burden Hours: 46,577.

Needs and Uses: An international system exists to use satellites to detect and locate ships, aircraft, or individuals in distress if they are equipped with an emergency radio beacon. Persons purchasing a digital distress beacon, operating in the frequency range of 406.000 to 406.100 MHz, must register it with NOAA. These requirements are contained in Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402. The data provided by registration can assist in identifying who is in trouble and in suppressing false alarms.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: On occasion and biannually.

Respondent's Obligation: Mandatory.

OMB Desk Officer: *OIRA_Submission@omb.eop.gov.*

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: June 17, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–15675 Filed 6–22–11; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Dr. Nancy Foster Scholarship Program.

OMB Control Number: 0648–0432.

Form Number(s): None.

Type of Request: Regular submission (reinstatement with changes of a previously approved information collection).

Number of Respondents: 600.

Average Hours per Response: Applications, 8 hours; letters of recommendation, 45 minutes; biographies and photos, 1 hour; annual reports, 90 minutes; evaluations, 15 minutes.

Burden Hours: 1,920.

Needs and Uses: The proposed information collection is a reinstatement of a previous collection, with revisions in the requirements: a pre- and post-evaluation by participants, and a new application form.

The National Oceanic and Atmospheric Administration (NOAA)

Office of Education (OEd) collects, evaluates and assesses student data and information for the purpose of selecting successful scholarship candidates, generating internal NOAA reports and articles to demonstrate the success of its program. The Dr. Nancy Foster Scholarship Program is available to graduate students pursuing masters and doctoral degrees in the areas of marine biology, oceanography and maritime archaeology. The OEd requires applicants to the Dr. Nancy Foster Scholarship Program to complete an application and to supply references (*e.g.,* from academic professors and advisors) in support of the scholarship application. Scholarship recipients are required to conduct a pre- and post-evaluation of their studies through the scholarship program to gather information about the level of knowledge, skills and behavioral changes that take place with the students before and after their program participation. The evaluation results support NOAA Office of National Marine Sanctuaries program performance measures. Scholarship recipients are also required to submit an annual progress report, a biographical sketch, and a photograph.

Affected Public: Individuals or households.

Frequency: Annually or one time.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov.*

Dated: June 17, 2011.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2011–15676 Filed 6–22–11; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

International Trade Administration

Request for Public Comments Concerning Regulatory Cooperation Between the United States and the European Union That Would Help Eliminate or Reduce Unnecessary Divergences in Regulation and in Standards Used in Regulation That Impede U.S. Exports

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of reopening of comment period.

SUMMARY: This notice announces reopening of the public comment period for a recently published notice on regulatory cooperation activities between the United States and the European Union. The comment period is reopened from June 23, 2011 to August 8, 2011.

DATES: The comment period for the public comments is reopened until August 8, 2011.

ADDRESSES: Submissions should be made via the internet at *http://www.regulations.gov* under docket ITA–2011–0006. Please direct written submissions to Lori Cooper, Office of the European Union, Department of Commerce, Room 3513, 14th and Constitution Avenue, NW., Washington, DC 20230. The public is strongly encouraged to file submissions electronically rather than by mail.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice should be directed to *TransatlanticRegulatory Cooperation@trade.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Commerce (DOC) published a document in the **Federal Register** on May 3, 2011, (76 FR 24860), inviting public comment on the following possible types of cooperative regulatory activities between the United States and the European Union: Information-sharing agreements; technical assistance; memoranda of understanding, mutual recognition agreements; collaboration between regulators before initiating rulemaking proceedings; agreements to align particular regulatory measures; equivalency arrangements; and accreditation of testing laboratories or other conformity assessment bodies. These comments will serve as a basis for discussion with the European Union on regulatory cooperation activities to undertake which will support the President's National Export Initiative and serve as a basis for discussion within the U.S.—EU High-Level Regulatory Cooperation Forum.

The notice published on May 3, 2011 (76 FR 24860) informed interested parties that DOC would accept written comments until June 2, 2011. Several associations and organizations with an interest in these activities informed DOC of their inability to submit comments within the 30-day deadline and requested additional time. Based on these requests, DOC is reopening the comment period until August 8, 2011, to provide interested parties additional time to prepare and submit comments. DOC will accept comments received no later than August 8, 2011 and will not consider any further extensions to the comment period.

Requirements for Submissions: In order to ensure the timely receipt and consideration of comments, the Department of Commerce's International Trade Administration (ITA) strongly encourages commenters to make on-line submissions, using the *http://www.regulations.gov* Web site. Comments should be submitted under docket number ITA–2011–0006. To find this docket, enter the docket number in the ''Enter Keyword or ID'' window at the *http://www.regulations.gov* home page and click ''Search.'' The site will provide a search-results page listing all documents associated with that docket number. Find a reference to this notice by selecting ''Notice'' under ''Document Type'' on the search-results page, and click on the link entitled ''Submit a Comment.'' The *http://www.regulations.gov* Web site provides the option of making submissions by filling in a comments field, or by attaching a document. ITA prefers submissions to be provided in an attached document. (For further information on using the *http://www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on the ''Help'' tab.)

All comments and recommendations submitted in response to this notice will be made available to the public. For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. The top of any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL''. Any person filing comments that contain business confidential information must also file in a separate submission a public version of the comments. The file name of the public version of the comments should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of

the person or entity submitting the comments. If a comment contains no business confidential information, the file name should begin with the character ''P'', followed by the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

Dated: June 20, 2011.

John Andersen,

Deputy Assistant Secretary of Commerce for Market Access and Compliance, International Trade Administration.

[FR Doc. 2011–15777 Filed 6–22–11; 8:45 am]

BILLING CODE 3510–DA–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–602]

Brass Sheet and Strip From Germany: Extension of Time Limits for Preliminary and Final Results of Full Third Five-Year (''Sunset'') Antidumping Duty Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce

DATES: *Effective Date:* June 23, 2011.

FOR FURTHER INFORMATION CONTACT: Mahnaz Khan or Yasmin Nair, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0914 and (202) 482–3813, respectively.

Background

On March 1, 2011, the Department initiated the third five-year (''sunset'') antidumping duty review of this order, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). *See Initiation of Five-Year (''Sunset'') Review,* 76 FR 11202 (March 1, 2011). The Department received a notice of intent to participate from domestic interested parties, GBC Metals, LLC of Global Brass and Copper, Inc., doing business as Olin Brass; Heyco Metals, Inc.; Luvata North America, Inc. (previously Outokumpu American Brass); PMX Industries, Inc.; Revere Copper Products, Inc.; International Association of Machinists and Aerospace Workers; United Auto Workers (Local 2367 and Local 1024); and United Steelworkers AFL–CIO CLC (collectively, ''Petitioners''), within the deadline specified in 19 CFR 351.218(d)(1)(i). Petitioners claimed interested party status under sections 771(9)(C) as a manufacturer, producer, or wholesaler in the United States of a domestic like product, or under 771(9)(D) of the Act as a certified union or recognized union or group of workers representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product.

The Department received timely substantive responses from Petitioners and the following respondent interested parties: Wieland-Werke AG, Schwermetall Halbzeugwerk GmbH & Co., KG, and Messingwerk Plettenberg Herfeld & Co., KG (collectively, ''Respondents''). Petitioners and Respondents also submitted to the Department timely rebuttal comments. On June 7, 2011, the Department determined to conduct a full sunset review of the antidumping duty order on brass sheet and strip from Germany. *See* Memorandum to Edward C. Yang, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from Susan Kuhbach, Director, Antidumping and Countervailing Duty Operations, Office 1, regarding ''Adequacy Determination: Third Five-Year (''Sunset'') Review of the Antidumping Duty Order on Brass Sheet and Strip from Germany'' (June 7, 2011).

Extension of Time Limits

In accordance with section 751(c)(5)(B) of the Act, the Department may extend the period of time for making its determination by not more than 90 days, if it determines that the review is extraordinarily complicated. Petitioners and Respondents have argued that the Department should consider recalculating the ''Margins Likely to Prevail,'' and these arguments present complex issues for which the Department needs additional time, pursuant to section 751(c)(5)(C) of the Act.

The deadline for the preliminary results of the full sunset review of the antidumping dumping duty order on brass sheet and strip from Germany is June 19, 2011, and the deadline for the final results of this review is October 27, 2011. The Department is hereby extending the deadlines for both the preliminary and final results of the full sunset review. As a result, the Department intends to issue the preliminary results of the full sunset review of the antidumping duty order on brass sheet and strip from Germany on September 17, 2011,[1] and the final results of the review on January 25, 2012. These dates are 90 days from the original scheduled dates of the preliminary and final results of these full sunset reviews.

This notice is issued in accordance with sections 751(c)(5)(B) and (C)(ii) of the Act.

Dated: June 16, 2011.

Gary Taverman,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011–15724 Filed 6–22–11; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA511

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council's) Model Evaluation Workgroup (MEW) will hold a work session to review work products individual members have been developing prior to submission to the 2011 salmon methodology review process. The meeting is open to the public.

DATES: The work session will be held Tuesday, July 12, 2011, from 9 a.m. to 3:30 p.m.

ADDRESSES: The work session will be held at the Northwest Indian Fisheries Commission Conference Room, 6730 Martin Way East, Olympia, WA 98516; *telephone:* (360) 438–1180.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Salmon Management Staff

[1] September 17, 2011 falls on a Saturday, and it is the Department's practice to issue a determination the next business day when the statutory deadline falls on a weekend, federal holiday, or any other day when the Department is closed. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533 (May 10, 2005). Accordingly, the deadline for completion of the preliminary results is September 19, 2011.

Officer, Pacific Fishery Management Council; *telephone:* (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the work session is to review work products, including possible bias in the Fishery Regulation Assessment Model (FRAM) associated with multiple encounters during mark selective fisheries. The results of the analyses will be submitted for review during the Council's 2011 salmon methodology review process.

Although non-emergency issues not contained in the meeting agendas may come before the MEW for discussion, those issues may not be the subject of formal action during the meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: June 20, 2011.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–15723 Filed 6–22–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA509

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of A public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will hold a meeting of its Groundfish Essential Fish Habitat Review Committee (EFHRC). The meeting is open to the public.

DATES: The CPSMT meeting will be held Thursday, July 7, 2011. Business will begin 8 a.m. and conclude at 5 p.m. or until business for the day is completed.

ADDRESSES: The meeting will be held in the Large Conference Room of the Pacific Council's offices, 7700 NE Ambassador Place, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the EFHRC meeting is to continue the periodic review of essential fish habitat (EFH) identification and descriptions for species managed under the Pacific Council's Groundfish Fishery Management Plan (FMP). The EFHRC will discuss data needs, interim products, and future meeting planning. Other issues relevant to the EFH review may be addressed as time permits.

Although non-emergency issues not contained in the meeting agenda may come before the EFHRC for discussion, those issues may not be the subject of formal action during this meeting. EFHRC action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the EFHRC's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: June 20, 2011.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–15694 Filed 6–22–11; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XA510

Pacific Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce, National Marine Fisheries Service (NMFS).

ACTION: Notice of public meetings.

SUMMARY: The Stock Assessment Review (STAR) Panels will hold work sessions to review stock assessments for widow rockfish and spiny dogfish, sablefish and Dover sole, and greenspotted rockfish and blackgill rockfish, which are open to the public.

DATES: The meetings will be held between July 11, 2011 and August 12, 2011. See **SUPPLEMENTARY INFORMATION** for dates and times of the specific meetings.

ADDRESSES: The Stock Assessment Review Panel for the widow rockfish and spiny dogfish stock assessments will be held at the Hotel Deca, 4507 Brooklyn Avenue NE., Seattle WA 98105; *telephone:* (1–800) 899–0251.

The Stock Assessment Review Panel for the sablefish and Dover sole stock assessments will be held at the National Marine Fisheries Service, Northwest Fisheries Science Center, Newport Research Station, 2032 SE OSU Drive, Newport, OR 97365; *telephone:* (541) 867–0500.

The Stock Assessment Review Panel for the greenspotted rockfish and blackgill rockfish stock assessment will be held at the National Marine Fisheries Service, Southwest Fisheries Science Center, Santa Cruz Laboratory, 110 Shaffer Road, Santa Cruz, CA 95060; telephone: (831) 420–3900.

Council address: Pacific Fishery Management Council (Pacific Council), 7700 NE. Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Ms. Stacey Miller, NMFS Northwest Fisheries Science Center; *telephone:* (541) 961–8475; or Mr. John DeVore, Pacific Fishery Management Council; *telephone:* (503) 820–2280.

SUPPLEMENTARY INFORMATION: The purpose of the Stock Assessment Review Panels are to review draft 2011 stock assessment documents and any other pertinent information for widow rockfish, spiny dogfish, sablefish, Dover sole, greenspotted rockfish and blackgill rockfish stock assessments, work with the Stock Assessment Teams to make necessary revisions, and produce Stock Assessment Review Panel reports for use by the Pacific Council family and other interested persons for developing management recommendations for 2013–14 fisheries. No management actions will be decided by the Panels. The Panels' role will be development of recommendations and reports for consideration by the Pacific Council at its September meeting in San Mateo, CA.

Meeting Dates and Times

The Stock Assessment Review Panel for widow rockfish and spiny dogfish stock assessments will be held beginning at 9 a.m., Monday, July 11,

2011 and end at 5:30 p.m. or as necessary to complete business for the day. The Panel will reconvene on Tuesday, July 12 and will continue through Friday, July 15, 2011 beginning at 8 a.m. and ending at 5:30 p.m. each day, or as necessary to complete business. The Panel will adjourn on Friday, July 15, 2011.

The Stock Assessment Review Panel for sablefish and Dover sole stock assessments will be held beginning at 9 a.m., Monday, July 25, 2011 and end at 5:30 p.m. or as necessary to complete business for the day. The panel will reconvene on Tuesday, July 26 and will continue through Friday, July 29, 2011 beginning at 8 a.m. and ending at 5:30 p.m. each day, or as necessary to complete business. The Panel will adjourn on Friday, July 29, 2011.

The Stock Assessment Review Panel for the greenspotted rockfish and blackgill rockfish stock assessments will be held beginning at 9 a.m., Monday, August 8, 2011 and end at 5:30 p.m. or as necessary to complete business for the day. The panel will reconvene on Tuesday, August 9, and will continue through Friday, August 12, 2011 beginning at 8 a.m. and ending at 5:30 p.m. each day, or as necessary to complete business. The panel will adjourn on Friday, August 12, 2011.

Although non-emergency issues not contained in the meeting agenda may come before the Panel participants for discussion, those issues may not be the subject of formal Stock Assessment Review Panel action during these meetings. Panel action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Panel participants' intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: June 20, 2011.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2011–15722 Filed 6–22–11; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted a public information collection request (ICR) entitled NCCC Team Leader Application for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Colleen Clay, at (202) 606–7561 or e-mail to *cclay@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) By fax to: (202) 395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: *smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Comments

A 60-day public comment Notice was published in the **Federal Register** on April 23, 2011. This comment period ended June 22, 2011. No public comments were received from this Notice.

Description: The Corporation is seeking approval of NCCC Team Leader Application which is used by citizens to apply for the position of NCCC Team Leader.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: NCCC Team Leader Application.

OMB Number: 3045–0005.

Agency Number: None.

Affected Public: NCCC team leader applicants.

Total Respondents: 400.

Frequency: Bi-annual application.

Average Time per Response: Two hours.

Estimated Total Burden Hours: 800.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: June 17, 2011.

Nicholas C. Zefran,

Director, Member Services, National Civilian Community Corps.

[FR Doc. 2011–15710 Filed 6–22–11; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2011–0017]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Air Force proposes to alter a system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 25, 2011 unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by dock number and/RIN number and title, by any of the following methods:

• *Federal Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Charles J. Shedrick, Department of the Air Force Privacy Office, Air Force Privacy Act Office, Office of Warfighting Integration and Chief Information officer, *Attn:* SAF/CIO A6, 1800 Air Force Pentagon, Washington DC 20330–1800 or by phone at 703–696–6488.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, were submitted on June 13, 2011 to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996, (February 20, 1996, 61 FR 6427).

Dated: June 16, 2011.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F032 AFCESA B

SYSTEM NAME:

Automated Civil Engineer System Records (December 30, 2008, 73 FR 79841).

* * * * *

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''F032 AF CE G.''

SYSTEM LOCATION:

Delete entry and replace with ''Defense Information Systems Agency (DISA), Systems Management Center, Montgomery, 401 East Moore Drive, Bldg 857, Gunter AFB, AL 36114–3001.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Air Force Active Duty, Air National Guard, Air Force Reserve personnel, Air Force Department of Defense civilians (DoD) and Air Force Civil Engineering contractors.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Individual's name, nick names, Social Security Number (SSN), gender, date of birth, personal cell phone number, home telephone number, personal e-mail addresses, mailing/home address, marital status, and emergency contact name and phone number.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Department of Defense Regulation 5200.2–R, DoD Personnel Security Program; 10 U.S.C. 9832, Property accountability; Air Force Instruction 33–332, Privacy Act Program; and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''Automated Civil Engineer System is a Web-based application used by the Air Force Civil Engineering community to manage real property, housing, personnel/readiness, project management, and operations management at fixed bases and deployed locations during both peace and war time operations. The system provides accessible information that expedites effective installation maintenance and other support during normal and contingency operations and provides for resource tracking and critical decision-making in the management of all civil engineer functional areas.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Automated Civil Engineer System/Interim Work Management System Program Manager, Headquarters (HQ) A7CRT (O&S), 139 Barnes Drive, Suite 1, Tyndall AFB, FL 32403–5319.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Automated Civil Engineer System/Interim Work Management System Program Manager, HQ A7CRT (O&S), 139 Barnes Drive, Suite 1, Tyndall AFB, FL 32403–5319.

For verification purposes, individual should provide their full name, Social Security Number (SSN), any details that may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

IF EXECUTED WITHIN THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, OR COMMONWEALTHS:

'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)' ''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Automated Civil Engineer System/Interim Work Management System Program Manager, HQ A7CRT (O&S), 139 Barnes Drive, Suite 1, Tyndall AFB, FL 32403–5319.

For verification purposes, individual should provide their full name, Social Security Number (SSN), any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

IF EXECUTED WITHIN THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, OR COMMONWEALTHS:

'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'

* * * * *

F032 AF CE G

SYSTEM NAME:

Automated Civil Engineer System Records

SYSTEM LOCATION:

Defense Information Systems Agency (DISA), Systems Management Center, Montgomery, 401 East Moore Drive, Bldg 857, Gunter AFB, AL 36114–3001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Active Duty, Air National Guard, Air Force Reserve personnel, Air Force Department of Defense civilians (DoD) and Air Force Civil Engineering contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, nick names, Social Security Number (SSN), gender, date of birth, personal cell phone number, home telephone number, personal e-mail addresses, mailing/home address, marital status, and emergency contact name and phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; Department of Defense Regulation 5200.2–R, DoD Personnel Security Program; 10 U.S.C. 9832, Property accountability; Air Force Instruction 33–332, Privacy Act Program; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

Automated Civil Engineer System is a Web-based application used by the Air Force Civil Engineering community to manage real property, housing, personnel/readiness, project management, and operations management at fixed bases and deployed locations during both peace and war time operations. The system provides accessible information that expedites effective installation maintenance and other support during normal and contingency operations and provides for resource tracking and critical decision-making in the management of all civil engineer functional areas.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the (DoD) as a routine use pursuant to 5 U.S.C. 552a(b) (3) as follows:

The DoD ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of record system notices apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Individual's name and/or Social Security Number (SSN).

SAFEGUARDS:

Access is limited to only users with the appropriate access role and have a need-to-know. Individuals responsible for servicing the records in the performance of official duties are properly screened and cleared for need-to-know. Access to the application is restricted by passwords which are changed periodically. A risk assessment has been performed and will be made available on request.

RETENTION AND DISPOSAL:

Records are retained until no longer needed for conducting business and then deleted from the database by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

Automated Civil Engineer System/ Interim Work Management System Program Manager, (HQ) A7CRT (O&S), 139 Barnes Drive, Suite 1, Tyndall AFB, FL 32403–5319.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Automated Civil Engineer System/ Interim Work Management System Program Manager, HQ A7CRT (O&S), 139 Barnes Drive, Suite 1, Tyndall AFB, FL 32403–5319.

For verification purposes, individual should provide their full name, Social Security Number (SSN), any details that may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

IF EXECUTED WITHIN THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, OR COMMONWEALTHS:

'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Automated Civil Engineer System/Interim Work Management System Program Manager, HQ A7CRT (O&S), 139 Barnes Drive, Suite 1, Tyndall AFB, FL 32403–5319.

For verification purposes, individual should provide their full name, Social Security Number (SSN), any details which may assist in locating records, and their signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

IF EXECUTED OUTSIDE THE UNITED STATES:

'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)'.

IF EXECUTED WITHIN THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, OR COMMONWEALTHS:

'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2011–15735 Filed 6–22–11; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Taxes

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through October 31, 2011. DoD proposes that OMB extend its approval for three additional years.

DATES: DoD will consider all comments received by August 22, 2011.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0390, using any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: dfars@osd.mil.* Include OMB Control Number 0704–0390 in the subject line of the message.
- *Fax:* 703–602–0350.
- *Mail:* Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov*, including any personal information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Mark Gomersall, 703–602–0302. The information collection requirements addressed in this notice are available on the Internet at: *http://www.acq.osd.mil/dpap/dars/dfars/index.htm.* Paper copies are available from Mr. Mark Gomersall, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 229, Taxes, and related clause at DFARS 252.229–7010; OMB Control Number 0704–0390.

Needs and Uses: DoD uses this information to determine if DoD contractors in the United Kingdom have attempted to obtain relief from customs duty on vehicle fuels in accordance with contract requirements.

Affected Public: Businesses or other for-profit institutions.

Annual Burden Hours: 300.

Number of Respondents: 75.

Responses per Respondent: 1.

Annual Responses: 75.

Average Burden per Response: 4 hours.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.229–7010, Relief from Customs Duty on Fuel (United Kingdom), is prescribed at DFARS 229.402–70(j) for use in solicitations issued and contracts awarded in the United Kingdom that require the use of fuels (gasoline or diesel) and lubricants in taxis or vehicles other than passenger vehicles. The clause requires the contractor to provide the contracting officer with evidence that the contractor has initiated an attempt to obtain relief from customs duty on fuels and lubricants, as permitted by an agreement between the United States and the United Kingdom.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

[FR Doc. 2011–15371 Filed 6–22–11; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

DATES: Interested persons are invited to submit comments on or before July 25, 2011.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, *Attention:* Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395–5806 or e-mailed to *oira_submission@omb.eop.gov* with a cc: to *ICDocketMgr@ed.gov*. Please note that written comments received in response to this notice will be considered public records.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: June 20, 2011.

Darrin A. King,

Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: Revision.

Title of Collection: Student Support Services Annual Performance Report.

OMB Control Number: 1840–0525.

Agency Form Number(s): N/A.

Frequency of Responses: Annually.

Affected Public: Not-for-profit institutions.

Total Estimated Number of Annual Responses: 1,034.

Total Estimated Annual Burden Hours: 15,510.

Abstract: Student Support Services Program grantees must submit the report annually. The reports are used to evaluate grantees' performance, and to award prior experience points at the end of each project (budget) period. The Department also aggregates the data to provide descriptive information on the projects and to analyze the impact of the

Student Support Services Program on the academic progress of participating students.

Copies of the information collection submission for OMB review may be accessed from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAMain* or from the Department's Web site at *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 4542. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202–4537. Requests may also be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–401–0920. Please specify the complete title of the information collection and OMB Control Number when making your request.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2011–15733 Filed 6–22–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students With Disabilities

AGENCY: U. S. Department of Education, Office of Special Education and Rehabilitative Services, Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students With Disabilities.

ACTION: Notice of an open meeting and public hearing.

SUMMARY: The notice sets forth the schedule and agenda of the meeting of the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities. The notice also describes the functions of the Commission. Notice of the meeting is required by section 10 (a) (2) of the Federal Advisory Committee Act and is intended to notify the public of its opportunity to attend.

DATES: Open Meeting: July 11–12, 2011.

Public Hearing: July 12, 2011.

Time: July 11, 2011: The open meeting will occur from 8:30 a.m.–5 p.m.

July 12, 2011: The open meeting will occur from 8:30 a.m.–3:30 p.m.

The public hearing will take place from 4 p.m. to 9 p.m.

ADDRESSES: The Sheraton Seattle, 1400 6th Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Elizabeth Shook, Program Specialist, Office of Special Education and Rehabilitative Services, United States Department of Education, 550 12th Street, SW., Washington, DC 20202; *telephone:* (202) 245–7642, *fax:* 202–245–7638.

SUPPLEMENTARY INFORMATION: The Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities (the Commission) is established under Section 772 of the Higher Education Opportunity Act, Public Law 110–315, dated August 14, 2008. The Commission is established to conduct a comprehensive study, which will—(I) ''Assess the barriers and systemic issues that may affect, and technical solutions available that may improve, the timely delivery and quality of accessible instructional materials for postsecondary students with print disabilities, as well as the effective use of such materials by faculty and staff; and (II) make recommendations related to the development of a comprehensive approach to improve the opportunities for postsecondary students with print disabilities to access instructional materials in specialized formats in a time frame comparable to the availability of instructional materials for postsecondary nondisabled students.''

In making recommendations for the study, ''the Commission shall consider—(I) How students with print disabilities may obtain instructional materials in accessible formats within a time frame comparable to the availability of instructional materials for nondisabled students; and to the maximum extent practicable, at costs comparable to the costs of such materials for nondisabled students; (II) the feasibility and technical parameters of establishing standardized electronic file formats, such as the National Instructional Materials Accessibility Standard as defined in Section 674(e)(3) of the Individuals with Disabilities Education Act, to be provided by publishers of instructional materials to producers of materials in specialized formats, institutions of higher education, and eligible students; (III) the feasibility of establishing a national clearinghouse, repository, or file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized formats, and a list of possible entities qualified to administer such clearinghouse, repository, or network; (IV) the feasibility of establishing market-based solutions involving collaborations among publishers of instructional materials, producers of materials in specialized formats, and institutions of higher education; (V) solutions utilizing universal design; and (VI) solutions for low-incidence, high-cost requests for instructional materials in specialized formats.''

The Commission will meet in open session on Monday and Tuesday, and will review and discuss the first draft of the Commission's report to the Secretary and Congress. The Commission will also receive briefings from subject matter experts on several different topics of interest.

The purpose of the public hearing is for the Commission to receive information from its stakeholders on issues pertaining to accessible instructional materials in postsecondary education. The public hearing session will address issues related to law, technology, the market model, and low-incidence/high-cost materials. Additionally, the public hearing will focus on individual experiences related to accessible instructional materials in postsecondary education.

Detailed minutes of the meeting and hearing, will be available to the public within 14 days of the meeting. Records are kept of all Commission proceedings and are available for public inspection at the Office of Special Education and Rehabilitative Services, United States Department of Education, 550 12th Street, SW., Washington, DC 20202, Monday–Friday during the hours of 8 a.m. to 4:30 p.m.

Additional Information

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, or material in alternative format) should notify Elizabeth Shook at (202) 245–7642, no later than June 30, 2011. We will make every attempt to meet requests for accommodations after this date, but, cannot guarantee their availability. The meeting site is accessible to individuals with disabilities. Participants who wish to comment at the public hearing are encouraged to register in advance by calling Janet Gronneberg at CAST at 781–245–2212 (voice) or 781–245–9320 (TTY) or *jgronneberg@cast.org* by June 30, 2011. The Commission requests that organizations with multiple participants designate no more than one individual to speak on its behalf. Participants who will be testifying in person must report to the hearing registration desk at least thirty minutes prior to their scheduled

time. A period of time will be reserved for individuals who choose to not register in advance. Participation in the hearing for unregistered participants will be subject to availability. Comments should be limited to five minutes per person or organization, but participants have the option of supplementing their testimony with written statements that will be part of the official hearing record. The Commission will have technology to facilitate PowerPoint presentations as needed.

Members of the public who would like to offer comments as part of the public hearing remotely may submit written comments to *AIMCommission@ed.gov* or by mail to Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, 550 12th St., SW., Room PCP–5113, Washington, DC 20202. All submissions will become part of the public record.

Members of the public also have the option of participating in the open meeting and public hearing remotely. Remote access will be provided via an Internet webinar service utilizing VoiP (Voice Over Internet Protocol). For the July 11th, 2011 portion of the meeting from 8:30 a.m.–5 p.m., the URL is *https://aimpsc.ilinc.com/join/yvbmysr.* The login will be available to the public starting at 8 a.m. (Pacific). On July 12th, the URL will be *https://aimpsc.ilinc.com/join/bbmtzsh* for the Commission meeting from 8:30 a.m.–3:30 p.m., and the login will be open to public at 8 a.m. (Pacific).

The URL for the public hearing portion of the meeting from 4 p.m.–9 p.m. will be *https://aimpsc.ilinc.com/join/yvbmyjr.* The login will open to public at 3:45 p.m. (Pacific). Login information is also provided via the Commission's public listserv at *pscpublic@lists.cast.org* and posted at the following site: *http://www2.ed.gov/about/bdscomm/list/aim/index.html.*

Electronic Access to this Document: You may view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister/index.html.* To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–866–512–1800; or in the Washington, DC area at 202–512–0000.

Dated: June 20, 2011.

Alexa Posny,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 2011–15721 Filed 6–22–11; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Draft Competition Rules for a Global Appliance Efficiency Award for Televisions

AGENCY: Office of Policy and International Affairs, Department of Energy.

ACTION: Notice of solicitation of comments.

SUMMARY: The U.S. Department of Energy (DOE) is working with partner governments within the Super-efficient Equipment and Appliance Deployment (SEAD) Initiative of the Clean Energy Ministerial to conduct an international competition to identify the most efficient televisions (TVs) available on the market. Ultimately, the international competition will allow consumers to differentiate and choose the most efficient product in their region within a given size category. Pursued alongside direct outreach to appliance and consumer electronics industry associations, this notice is intended to announce the publication of the first draft program rules for the 2012 SEAD Global Appliance Efficiency Award for Televisions and to offer an opportunity for interested parties to offer input on the proposed structure of the competition. Regional winners of the competition will gain the right to use the award logo and branding (currently under development) in their marketing, and the best of the regional winners will be named the global winner, recognized at the subsequent Clean Energy Ministerial meeting of energy ministers from major economies.

DATES: Comments on the draft competition rules must be submitted no later than July 8, 2011. Final versions of the SEAD Awards Terms and Conditions and the 2012 Television Awards Rules will be completed by the end of 2011. It is anticipated that product nominations will be accepted from February 1, 2012 to May 1, 2012. The SEAD Initiative plans to announce its first international award winners by October 1, 2012.

ADDRESSES: The draft program rules are posted for public download and review on the SEAD program Web site at: *http://www.superefficient.org/awards.php.* A comment form is available at: *http://www.superefficient.org/awards.php.* Comments may also be submitted via email to *awards@superefficient.org.* Interested parties may subscribe to future Awards program updates at: *http://www.superefficient.org/awards.php#signup.*

FOR FURTHER INFORMATION CONTACT: Questions about the television awards competition should be directed to: Mr. Stephen Pantano, SEAD Program Manager, Collaborative Labeling and Appliance Standards (CLASP), *spantano@clasponline.org,* or (202) 662–7440. (CLASP is the SEAD operating agent and will host the awards competition.) General questions about the awards program can be directed to: Mr. Arne Jacobson, Senior Advisor, DOE Office of Policy and International Affairs, at *arne.jacobson@hq.doe.gov* or (202) 586–2402.

SUPPLEMENTARY INFORMATION: The SEAD Initiative was launched in July 2010 as part of the Clean Energy Ministerial's Global Energy Efficiency Challenge (*http://www.cleanenergyministerial.org*). The Clean Energy Ministerial is a global forum for accelerating the transition to clean energy technologies. SEAD's purpose is to leverage high-level political dialogue to advance on-the-ground appliance and equipment efficiency efforts. SEAD activities are conducted by five working groups, covering standards and test procedures, awards, procurement, incentives, and cross-cutting technical analysis.

Fourteen SEAD member governments announced plans for an international awards competition for super-efficient appliances at the second Clean Energy Ministerial in April 2011. DOE leads the multilateral Working Group that is developing the SEAD Awards competition together with SEAD initiative counterparts from Australia, Canada, Japan, Sweden, and the United Kingdom. The Awards Working Group has selected televisions as the product for this first annual awards competition, since TVs contribute about 6–8 percent of global residential electricity consumption. Subsequent rounds of the awards competition will focus on other major energy-using appliances that are internationally traded and can be evaluated using established, internationally-recognized test methods. The awards competition will address product categories on a rotating basis, with a given product type being featured every few years.

The 2012 SEAD Global Appliance Efficiency Awards for Televisions will allow consumers to differentiate and choose the most efficient product in their markets within a given size

category. A total of 20 awards are planned: One per size category (small/medium/large) for commercially-available products in each of four locations [1] (Australia, Europe, India, and the United States); one international award per size category from among the winners of each region—a ''best of the best'' in each of the three size categories; and five ''emerging technology'' awards (one emerging technology award per market with no differentiation by size, and a fifth award for the ''best of the best'' of these models). Efficiency will be evaluated via internationally-recognized test methods,[2] and all potential winning products will be subject to verification testing to ensure the integrity of the awards.

Requested Input: The Awards Working Group is interested in comments and feedback from interested stakeholders on all aspects of the draft program rules. However, comments addressing the following issues would be particularly valuable:

- Proposed nomination period, testing, dispute resolution, and award timing, particularly with regard to typical product production cycles and marketing/promotional needs;
- Proposed emerging technology award requirements, including use of the proposed evaluation methodology for Automatic Brightness Control (ABC) at 10, 100, 150, and 300 lux from the forthcoming revision of the ENERGY STAR Televisions test method;[3] and
- Proposed size boundaries for small/medium/large product categorization.

More information on DOE's participation in the SEAD Initiative and the Clean Energy Ministerial can be found at: *http://www.cleanenergyministerial.org.*

Issued in Washington, DC, on June 16, 2011.

Rick Duke,

Deputy Assistant Secretary, Policy and International Affairs.

[FR Doc. 2011–15693 Filed 6–22–11; 8:45 am]

BILLING CODE 6450–01–P

[1] Future rounds of the awards may include a broader set of locations.

[2] The test procedures that will be used are those established by the International Electrotechnical Commission: IEC 62087, ''Methods of measurement for the power consumption of audio, video, and related equipment'' (Second Edition 2008–09) and IEC 62301, ''Household electrical appliances—Measurement of standby power'' (Edition 2.0 2011–01).

[3] See: *http://www.energystar.gov/revisedspecs.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC11–549B–000]

Commission Information Collection Activities (FERC–549B); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, 44 USC 3506(c)(2)(A) (2006), (Pub. L. 104–13), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the proposed information collection described below.

DATES: Comments in consideration of the collection of information are due August 22, 2011.

ADDRESSES: Commenters must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426. Comments may be filed either on paper or on CD/DVD, and should refer to Docket No. IC11–549B–000. Documents must be prepared in an acceptable filing format and in compliance with Commission submission guidelines at *http://www.ferc.gov/help/submission-guide.asp.* eFiling and eSubscription are not available for Docket No. IC11–549B–000, due to a system issue.

All comments and FERC issuances may be viewed, printed or downloaded remotely through FERC's eLibrary at *http://www.ferc.gov/docs-filing/elibrary.asp,* by searching on Docket No. IC11–549B. For user assistance, contact FERC Online Support by e-mail at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by e-mail at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC–549B, ''Gas Pipeline Rates: Capacity Information,'' includes both the Index of Customers (IOC) report under Commission regulations at 18 Code of Federal Regulations (CFR) 284.13(c) and three capacity reporting requirements. One of these is in Commission regulations at 18 CFR 284.13(b) and requires reports on firm and interruptible services. The second is at 18 CFR 284.13(d)(1) and requires pipelines make information on capacity and flow information available on their Internet Web sites. The third is at 18 CFR 284.13(d)(2) and requires an annual filing of peak day capacity.

Capacity Reports Under 284.13(b) and 284.13(d)(1)

On April 4, 1992, in Order No. 636 (RM91–11–000), the Commission established a capacity release mechanism under which shippers could release firm transportation and storage capacity on either a short- or long-term basis to other shippers wanting to obtain capacity. Pipelines posted available firm and interruptible capacity information on their electronic bulletin boards (EBBs) to inform potential shippers.

On August 3, 1992, in Order No. 636–A (RM91–11–002), the Commission determined through staff audits, that the efficiency of the capacity release mechanism could be enhanced by standardizing the content and format of capacity release information and the methods by which shippers accessed this information, which pipelines posted to their EBBs

On March 29, 1995, through Order 577 (RM95–5–000), the Commission amended § 284.243(h) of its regulations to allow shippers the ability to release capacity without having to comply with the Commission's advance posting and bidding requirements.

On February 9, 2000, in Order No. 637 (RM98–10–000), to create greater substitution between different forms of capacity and to enhance competition across the pipeline grid, the Commission revised its capacity release regulations regarding scheduling, segmentation and flexible point rights, penalties, and reporting requirements. This resulted in more reliable capacity information availability and price data that shippers needed to make informed decisions in a competitive market as well as to improve shipper's and the Commission's ability to monitor the market for potential abuses.

Peak Day Annual Capacity Report Under 284.13(d)(2)

18 CFR 284.13(d)(2) requires an annual peak day capacity report of all interstate pipelines, including natural gas storage only companies. This report is generally a short report showing the peak day design capacity or the actual peak day capacity achieved, with a short explanation, if needed. The regulation states:

An interstate pipeline must make an annual filing by March 1 of each year showing the estimated peak day capacity of

the pipeline's system, and the estimated storage capacity and maximum daily delivery capability of storage facilities under reasonably representative operating assumptions and the respective assignments of that capacity to the various firm services provided by the pipeline.

This annual report/filing is publicly available, while other more specific interstate pipeline and storage capacity details are filed as CEII, such as the Annual System Flow Diagram (FERC–567) which are not publicly available.

Index of Customers Under 284.13(c)

In Order 581, issued September 28, 1995 (Docket No. RM95–4–000), the Commission established the IOC quarterly information requirement. This Order required the reporting of five data elements in the IOC filing: the customer name, the rate schedule under which service is rendered, the contract effective date, the contract termination date, and the maximum daily contract quantity, for either transportation or storage service, as appropriate.

In a notice issued separate from Order 581 in Docket No. RM95–4–000, issued February 29, 1996, the Commission, through technical conferences with industry, determined that the IOC data reported should be in tab delimited format on diskette and in a form as proscribed in Appendix A of the rulemaking. In a departure from past practice, a three-digit code, instead of a six-digit code, was established to identify the respondent.

In Order 637, issued February 9, 2000 (Docket Nos. RM98–10–000 and RM98–12–000), the Commission required the filing of: the receipt and delivery points held under contract and the zones or segments in which the capacity is held, the common transaction point codes, the contract number, the shipper identification number, an indication whether the contract includes negotiated rates, the names of any agents or asset managers that control capacity in a pipeline rate zone, and any affiliate relationship between the pipeline and the holder of capacity. It was stated in the Order that the changes to the Commission's reporting requirements would enhance the reliability of information about capacity availability and price that shippers need to make informed decisions in a competitive market as well as improve shippers' and the Commission's ability to monitor marketplace behavior to detect, and remedy anti-competitive behavior. Order 637 required a pipeline post the information quarterly on its Internet websites instead of on the outdated EBBs.

Action: The Commission is requesting a three-year extension of the FERC–549B reporting requirements, with no changes.

Burden Statement: The estimated annual public reporting burden for this collection is estimated as:

FERC–549B requirement	Number of respondents annually	Number of responses per respondent	Average burden hours per response	Total annual burden hours
	(1)	(2)	(3)	(1) × (2) × (3)
Capacity Reports under 284.13(b) and 284.13(d)(1)	129	6	145	112,230
Peak Day Annual Capacity Report under 284.13(d)(2)	129	1	10	1,290
Index of Customers under 284.13(c)	129	4	3	1,548
Total				115,068

The total estimated annual cost burden to respondents is $7,876,183 (115,068 hours/2,080 hours [1] per year, times $142,372 [2]). The estimated annual burden per respondent is $61,056 (rounded).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology e.g. permitting electronic submission of responses.

Dated: June 16, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–15696 Filed 6–22–11; 8:45 am]

BILLING CODE 6717–01–P

[1] Estimated number of hours an employee works each year.

[2] Estimated average annual cost per employee.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL11–42–000]

Astoria Generating Company, L.P., NRG Power Marketing LLC, Arthur Kill Power LLC, Astoria Gas Turbine Power LLC, Dunkirk Power LLC, Huntley Power LLC, Oswego Harbor Power LLC, TC Ravenswood, LLC. v. New York Independent System Operator, Inc.; Notice of Amendment to Complaint

Take notice that on June 15, 2011, Astoria Generating Company, L.P., NRG Power Marketing LLC, Arthur Kill Power LLC, Astoria Gas Turbine Power

LLC, Dunkirk Power LLC, Huntley Power LLC, Oswego Harbor Power LLC, and TC Ravenswood, LLC (collectively Complainants) filed an amendment to its June 3, 2011, Complaint against New York Independent System Operator, Inc.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 5, 2011.

Dated: June 17, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–15716 Filed 6–22–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2743–071]

Kodiak Electric Association, Inc.; Notice of Application Accepted for Filing, Ready for Environmental Analysis, Soliciting Comments, Motions To Intervene, Protests, Recommendations, Terms and Conditions, and Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project No.:* 2743–071.

c. *Date Filed:* May 20, 2011.

d. *Applicant:* Kodiak Electric Association, Inc.

e. *Name of Project:* Terror Lake Project.

f. *Location:* The project is located on the Terror and Kizhuyak Rivers in Kodiak Island Borough, Alaska. The project occupies federal lands managed by the U.S. Fish and Wildlife Service within the Kodiak National Wildlife Refuge and on lands managed by the U.S. Coast Guard.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Darron Scott, President/CEO, Kodiak Electric Association, Inc. P.O. Box 787, Kodiak, AK 99615–0787, (907) 486–7707.

i. *FERC Contact:* Mr. Steven Sachs (202) 502–8666 or *Steven.Sachs@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and fishway prescriptions is 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments.

Please include the project number (P–2743–071) on any comments, motions, recommendations, or terms and conditions filed.

k. *Description of Request:* The applicant proposes to install a third turbine-generator unit at the project. The new unit would have an installed capacity of 11.25 megawatts (MW) and be contained entirely within the project's powerhouse. The proposal would increase the hydraulic capacity of the project from 300 to 435 cubic feet per second and the authorized installed capacity from 22.5 to 33.75 MW. Because the project was constructed with provisions for the third unit, no significant modifications to conduits, structures, or electrical equipment would be required.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) Bear in all capital letters the title

''COMMENTS'', ''PROTEST'', ''MOTION TO INTERVENE'', ''TERMS AND CONDITIONS'' or ''FISHWAY PRESCRIPTIONS'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. As provided for in 18 CFR 4.34(b)(5)(i), a license applicant must file, no later than 60 days following the date of issuance of this notice of acceptance and ready for environmental analysis: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: June 16, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–15697 Filed 6–22–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER09–1400–004.
Applicants: Milford Wind Corridor Phase I, LLC.
Description: Milford Wind Corridor Phase I, LLC submits Change in Status Notice.
Filed Date: 05/13/2011.
Accession Number: 20110513–5175.
Comment Date: 5 p.m. Eastern Time on Friday, July 08, 2011.

Docket Numbers: ER10–2651–001.
Applicants: Lockhart Power Company.
Description: Lockhart Power Company submits its Triennial Market Power Analysis.
Filed Date: 06/16/2011.
Accession Number: 20110616–5131.
Comment Date: 5 p.m. Eastern Time on Monday, August 15, 2011.

Docket Numbers: ER11–2544–002.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35: NYISO Compliance Filing to Revise Specified Effective Date to be effective 6/30/2011.
Filed Date: 06/16/2011.
Accession Number: 20110616–5088.
Comment Date: 5 p.m. Eastern Time on Thursday, July 07, 2011.

Docket Numbers: ER11–3460–001.
Applicants: Bayonne Energy Center, LLC.
Description: Bayonne Energy Center, LLC submits tariff filing per 35.17(b): Amendment to MBR Application to be effective 4/28/2011.
Filed Date: 06/17/2011.
Accession Number: 20110617–5097.
Comment Date: 5 p.m. Eastern Time on Monday, June 27, 2011.

Docket Numbers: ER11–3810–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: Amendment to Attachment V of the Tariff to be effective 8/16/2011.
Filed Date: 06/16/2011.
Accession Number: 20110616–5059.
Comment Date: 5 p.m. Eastern Time on Thursday, July 07, 2011.

Docket Numbers: ER11–3811–000.
Applicants: Public Service Company of Colorado.
Description: Public Service Company of Colorado submits tariff filing per 35: 20110616_Compliance Filing Redesignating Rate Schedule No. 6 to be effective N/A.
Filed Date: 06/16/2011.
Accession Number: 20110616–5068.
Comment Date: 5 p.m. Eastern Time on Thursday, July 07, 2011.

Docket Numbers: ER11–3812–000.
Applicants: LSP Energy Limited Partnership.
Description: LSP Energy Limited Partnership submits tariff filing per 35.1: Baseline Filing of Market-Based Rate Tariff to be effective 6/16/2011.
Filed Date: 06/16/2011.
Accession Number: 20110616–5072.
Comment Date: 5 p.m. Eastern Time on Thursday, July 07, 2011.

Docket Numbers: ER11–3813–000.
Applicants: Allegheny Energy Supply Company, LLC.
Description: Allegheny Energy Supply Company, LLC submits tariff filing per 35: AE Supply Compliance ER11–2942 to be effective 6/1/2011.
Filed Date: 06/16/2011.
Accession Number: 20110616–5089.
Comment Date: 5 p.m. Eastern Time on Thursday, July 07, 2011.

Docket Numbers: ER11–3814–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 205 Filing of NYISO PJM JOA Schedules A and B to be effective 8/16/2011.
Filed Date: 06/16/2011.
Accession Number: 20110616–5110.
Comment Date: 5 p.m. Eastern Time on Thursday, July 07, 2011.

Docket Numbers: ER11–3815–000.
Applicants: FirstEnergy Solutions Corp.
Description: FirstEnergy Solutions Corp. submits tariff filing per 35.15: Cancellation of Tariff for Sales to be effective 6/18/2011.
Filed Date: 06/17/2011.
Accession Number: 20110617–5039.
Comment Date: 5 p.m. Eastern Time on Friday, July 08, 2011.

Docket Numbers: ER11–3816–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits tariff filing per 35.13(a)(2)(iii: Nevada Power Transmission Facilities Agreement to be effective 6/17/2011.
Filed Date: 06/17/2011.
Accession Number: 20110617–5083.
Comment Date: 5 p.m. Eastern Time on Friday, July 08, 2011.

Docket Numbers: ER11–3818–000.
Applicants: LSP Energy Limited Partnership.
Description: LSP Energy Limited Partnership submits tariff filing per 35.13(a)(2)(iii: Tariff Amendment to be effective 8/16/2011.
Filed Date: 06/17/2011.
Accession Number: 20110617–5100.
Comment Date: 5 p.m. Eastern Time on Friday, July 08, 2011.

Docket Numbers: ER11–3819–000.
Applicants: Tampa Electric Company.
Description: Tampa Electric Company submits tariff filing per 35.13(a)(2)(iii:

Amendment of Rate Schedule No. 54_Cancellation of Schedule J to be effective 5/2/2011.

Filed Date: 06/17/2011.

Accession Number: 20110617–5107.

Comment Date: 5 p.m. Eastern Time on Friday, July 08, 2011.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 17, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–15713 Filed 6–22–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR09–8–005]

Washington Gas Light Company; Notice of Motion for Extension of Rate Case Filing Deadline

Take notice that on June 15, 2011, Washington Gas Light Company (Washington Gas) filed a request for an extension consistent with the Commission's revised policy of periodic review from a triennial to a five year period. The Commission in Order No. 735 modified its policy concerning periodic reviews of rates charges by section 311 and Hinshaw pipelines to extend the cycle for such reviews from three to five years.[1] Therefore, Washington Gas requests that the date for its next rate filing be extended to December 9, 2013, which is five years from the date of Washington Gas' most recent rate filing with this Commission.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on Monday, June 27, 2011.

Dated: June 16, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2011–15695 Filed 6–22–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL11–45–000]

Missouri River Energy Services; Notice of Petition for Declaratory Order

Take notice that on June 15, 2011, pursuant to the Rule 207(a)(2) and Rule 2004 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.207(a)(2), and 385.2004 (2010), Missouri River Energy Services (MRES) filed a petition for a declaratory order granting transmission rate incentives in connection with the participation of MRES in the regional planning initiative known as the Capacity Expansion of the Year 2020. MRES also request exemption from

[1] Contract Reporting Requirements of Intrastate Natural Gas Companies, Order No. 735, 131 FERC ¶ 61,150 (May 20, 2010).

paying filing fees pursuant to 18 CFR 381.108.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 18, 2011.

Dated: June 17, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–15714 Filed 6–22–11; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL11–42–000]

Astoria Generating Company, L.P., NRG Power Marketing LLC, Arthur Kill Power LLC, Astoria Gas Turbine Power LLC, Dunkirk Power LLC, Huntley Power LLC, Oswego Harbor Power LLC, TC Ravenswood, LLC, v. New York Independent System Operator, Inc.

Notice of Revised Comment Dates

On June 3, 2011, Astoria Generating Company, NRG Power Marketing LLC, Arthur Kill Power LLC, Astoria Gas Turbine Power LLC, Dunkirk Power LLC, Huntley Power LLC, Oswego Harbor Power LLC and TC Ravenswood, LLC (Complainants) filed a complaint against the New York Independent System Operator (NYISO) in the captioned docket (Complaint). Notice of the Complaint was issued June 7, 2011, providing for a Comment Date of June 23, 2011, for that filing. On June 15, 2011, Complainants filed an amendment to the Complaint and a request for a shortened comment period to and including June 23, 2011, in the captioned docket (Amended Complaint). On June 16, 2011, NYISO filed a preliminary answer to the Complaint proposing June 30, 2011, as the Comment Date applicable to both the Complaint and the Amended Complaint, stating that Counsel for the Complainants supports the June 30, 2011 date. NYISO also states that Counsel for Consolidated Edison Company of New York, Inc. has no objection to the Comment Date of June 30, 2011 for both filings. Notice of the Amended Complaint was issued June 17, 2011, providing for a Comment Date of July 5, 2011, for that filing.

Upon consideration of NYISO's request for a revised Comment Date in its June 16, 2011 preliminary answer, notice is hereby given that the Comment Dates applicable to the Complaint and the Amended Complaint are revised to June 30, 2011.

Any person desiring to intervene or to protest the Complaint and Amended Complaint filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the Comment Date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

These filings are accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on June 30, 2011.

Dated: June 17, 2011.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2011–15715 Filed 6–22–11; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0077; FRL–9323–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Significant New Alternatives Policy (SNAP) Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before July 25, 2011.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2004–0077 to (1) EPA online using *http://www.regulations.gov* (our preferred method), by e-mail to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Melissa Fiffer, Stratospheric Protection Division, Alternatives and Emissions Reduction Branch, Mail Code 6205J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343–9464; fax number: (202) 343–2362; e-mail address: *fiffer.melissa@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On January 31, 2011, 76 FR 5366, EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2004–0077, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air and Radiation Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: Significant New Alternatives Policy (SNAP) Program (Renewal)

ICR numbers: EPA ICR No. 1596.08, OMB Control No. 2060–0226.

ICR status: This ICR is currently scheduled to expire on June 30, 2011. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Information collected under this rulemaking is necessary to implement the requirements of the Significant New Alternatives Policy (SNAP) program for evaluating and regulating substitutes for ozone-depleting chemicals being phased out under the stratospheric ozone protection provisions of the Clean Air Act (CAA) and globally under the *Montreal Protocol on Substances that Deplete the Ozone Layer.* Under CAA Section 612, EPA is authorized to identify and restrict the use of substitutes for class I and class II ozone-depleting substances where EPA determines other alternatives exist that reduce overall risk to human health and the environment. The SNAP program, based on information collected from the manufacturers, formulators, and/or sellers of such substitutes, identifies acceptable substitutes. Responses to the collection of information are mandatory under Section 612 for anyone who sells or, in certain cases, uses substitutes for an ozone-depleting substance after April 18, 1994, the effective date of the final rule. Measures to protect confidentiality of information collected under the SNAP program are based on EPA's confidentiality regulations (40 CFR 2.201 *et seq.,* or Subpart B). Submitters may designate all or portions of their forms or petitions as confidential. EPA requires the submitters to substantiate their claim of confidentiality. Under CAA Section 114(c), emissions information may not be claimed as confidential.

To develop the lists of acceptable and unacceptable substitutes, the Agency must assess and compare ''overall risks to human health and the environment'' posed by use of substitutes in the context of particular applications. EPA requires submission of information covering a wide range of health and environmental factors. These include intrinsic properties such as physical and chemical information, ozone depleting potential, global warming potential, toxicity, and flammability, and use-specific data such as substitute applications, process description, environmental release data, exposure data during use of a substitute, environmental fate and transport, and cost information. Once a completed submission has been received, a 90 day review period under the SNAP program will commence. Any substitute which is a new chemical must also be submitted to the Agency through a Premanufacture Notice under the Toxic Substances Control Act (TSCA). Alternatives that will be used as sterilants must be filed jointly with EPA's Office of Pesticide Programs and with SNAP.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 30 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: manufacturers, importers, formulators and processors of substitutes for ozone-depleting substances.

Estimated Number of Respondents: 221.

Frequency of Response: Annual.

Estimated Total Annual Hour Burden: 6,683.

Estimated Total Annual Cost: $476,742, which includes $22,281 annualized capital or O&M costs.

Changes in the Estimates: There is a decrease of 1,521 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This is due to changes in EPA's estimates of the burden hours and number of respondents fulfilling reporting and record-keeping requirements.

The development of new substitutes resulted in a greater number of persons filing a SNAP Information Notice or TSCA/SNAP Addendum to increase slightly, but also resulted in fewer respondents keeping records for alternatives that are subject to use conditions or narrowed use limits. In addition, respondents filing a SNAP Information Notice reported a decrease in total annual burden of hours when collecting data to complete the form and when responding to requests for additional information. This decrease may be attributable to increased respondent familiarity with EPA's forms, more examples in the public record for respondents to research and use in preparing responses, and general increased availability of computer software and information via the Internet.

Dated: June 16, 2011.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2011–15754 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2010–0832, FRL–9323–6]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; EPA's WasteWise Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before July 25, 2011.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–RCRA–2010–0832, to (1) EPA, either online using *http://www.regulations.gov* (our preferred method), or by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and (2) OMB, by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Marian Robinson, Office of Resource & Conservation Recovery, 5306P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–308–8666; fax number: 703–308–8686; email address: *robinson.marian@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On February 23, 2011 (76 FR 10022), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No EPA–HQ–RCRA–2010–0832, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Resource Conservation and Recovery Act (RCRA) Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the RCRA Docket is (202) 566–0270.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: EPA's WasteWise Program (Renewal).

ICR Numbers: EPA ICR No. 1698.09, OMB Control No. 2050–0139.

ICR Status: This ICR is scheduled to expire on June 30, 2011. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA's voluntary WasteWise program encourages businesses and other organizations to reduce solid waste through waste prevention, recycling, and the purchase or manufacture of recycled-content products. WasteWise participants include partners who commit to implementing waste reduction activities tailored to their specific needs, and endorsers who promote WasteWise and recruit organizations to join the program.

WasteWise requires partners to register for membership in the program. Previously, WasteWise used paper forms that we estimate took 40 hours for partners and 10 hours for endorsers to complete. In 2009, WasteWise implemented a web-based data management and reporting system for the collection and reporting of data. Under the new web-based system, partners and endorsers enter their data on-line.

The *Partner Registration Form* identifies an organization and its facilities registering to participate in WasteWise, and requires the signature of a senior official that can commit the organization to the program. (This form is completed on-line and is submitted electronically.) Within two months of registering, each partner is required to submit baseline data on existing waste reduction programs to EPA via an

Annual Assessment Form. (This is an on-line form that is completed and submitted electronically.) Partners are also encouraged to set waste reduction goals for the upcoming year. On an annual basis, partners are required to report, via the *Annual Assessment Form,* on the accomplishments of their waste prevention and recycling activities. Partners report the amount of waste prevented and recycled, amount of recycled-content materials purchased, and (where appropriate) the amount of recovered materials used in the manufacture of new products. They also provide WasteWise with information on total waste prevention revenue, total recycling revenue, total avoided purchasing costs due to waste prevention, and total avoided disposal costs due to recycling and waste prevention. Additionally, they are encouraged to submit new waste reduction goals.

Endorsers, which are typically trade associations or state/local governments, submit an *Endorser Registration Form* upon registering for the program. (This is an on-line form that is completed and is submitted electronically.) The Endorser Registration Form identifies the organization, the principal contact, and the activities to which the Endorser commits. EPA plans to expand the information requested of Endorsers by requiring them to submit a summary of their endorser activities annually. All registration and reporting information will be submitted electronically using the existing on-line, web-based data management and reporting system.

EPA's WasteWise program uses the submitted information to (1) Identify and recognize outstanding waste reduction achievements by individual organizations, (2) compile results that indicate overall accomplishments of WasteWise members, (3) identify cost-effective waste reduction strategies to share with other organizations, (4) identify topics on which to develop technical assistance materials and other information, and (5) further encourage the growth of industry-specific sustainable practices.

Burden Statement: The respondent burden for this collection is estimated to average 1 hour per response for the Partner Registration Form, 34.5 hours per response for the Partner Annual Assessment Form, 3 hours per response for the Endorser Registration Form, and 5 hours per response for the Endorser Annual Assessment Form. This results in an estimated annual partner respondent burden of 51 hours for new partners, 48 hours for established partners, 7 hours for new endorsers, and 3 hours for established endorsers.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Businesses, not-for-profit institutions, and State, Local, or Tribal governments.

Estimated Number of Respondents: 1,222.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 25,844.

Estimated Total Annual Cost: $2,138,570, includes $2,138,570 annualized labor costs and $0 annualized capital or O&M costs.

Changes in the Estimates: There is a decrease of 44,506 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is due to an update in the number of partners to reflect who are the active partners, as well as an online reporting system that has greatly reduced burden for respondents and the agency.

Dated: June 16, 2011.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2011–15760 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9323–2]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for TransAlta Centralia Generation, LLC—Coal-Fired Power Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to an operating permit issued by the Southwest Clean Air Agency (SWCAA). Specifically, the Administrator has denied the October 29, 2009 petition, submitted by EarthJustice on behalf of the Sierra Club, the National Parks Conservation Association, and the Northwest Environmental Defense Center (Petitioners), to object to the September 16, 2009, operating permit issued to TransAlta Centralia Generation, LLC for a coal-fired power plant in Centralia, Washington. Pursuant to sections 307(b) and 505(b)(2) of the Clean Air Act (CAA), a petition for judicial review of those parts of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice appears in the **Federal Register**.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle Washington, 98101.

EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the copies of the final order, the petition, and other supporting information. You may view the hard copies Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final order for the TransAlta Centralia plant is available electronically at: *http://www.epa.gov/region7/air/title5/petitiondb/petitions/transalta_response2009.pdf* .

FOR FURTHER INFORMATION CONTACT: Sara Bent at *telephone number:* (206) 553–6350, *e-mail address: bent.sara@epa.gov* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review, and object to as appropriate, a Title V operating permit proposed by State permitting authorities. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a Title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issue arose after this period.

EPA received a petition from the Petitioners dated October 29, 2009,

requesting that EPA object to the issuance of the Title V operating permit to TransAlta Centralia Generation, LLC for the operation of a coal-fired power plant in Centralia, Washington for the following reasons: (I) The Title V permit failed to provide for the control of carbon dioxide emissions, an air contaminant that is detrimental to human health and welfare, property, and business; (II) The Title V permit failed to provide for the control of mercury emissions, an air contaminant that is detrimental to human health and welfare, property, and business; (III) The Title V permit failed to provide for adequate control of nitrogen oxide emissions, an air contaminant that is detrimental to human health and welfare, property, and business; (IV) The Title V permit failed to require Reasonably Available Control Technology for the control of carbon dioxide emissions or for mercury emissions; and (V) The Title V permit's start-up, shut-down and malfunction provisions are contrary to recent case law interpreting the requirements of the Clean Air Act.

On April 28, 2011, the Administrator issued an order denying the petition. The order explains the reasons behind EPA's conclusion to deny the petition for objection.

Dated: June 10, 2011.

Michelle L. Pirzadeh,

Deputy Regional Administrator, Region 10.

[FR Doc. 2011–15742 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9322–9]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee (CHPAC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held July 13 and 14 at Mount Vernon Place, 900 Massachusetts Ave., NW., Washington, DC 20001. The CHPAC advises the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: The CHPAC will meet from 9 a.m. to 5:30 p.m. on July 13 and from 8:30 a.m. to Noon on July 14, 2011.

ADDRESSES: Mount Vernon Place, 900 Massachusetts Ave., NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Martha Berger, Office of Children's Health Protection, USEPA, MC 1107T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–2191, *berger.martha@epa.gov.*

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. The final agenda will be posted at *http://www.epa.gov/children*.

Access: For information on access or services for individuals with disabilities, please contact Martha Berger at 202–564–2191 or *berger.martha@epa.gov.*

Dated: June 10, 2011.

Khesha Reed,

Acting Designated Federal Official.

[FR Doc. 2011–15748 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9323–1]

Science Advisory Board Staff Office; Notification of a Public Teleconference and Meeting of the SAB Radiation Advisory Committee for the Advisory Review of EPA's Draft Technical Report Pertaining to Uranium and Thorium In-Situ Leach Recovery and Post-Closure Stability Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public meeting and teleconference of the Radiation Advisory Committee (RAC) augmented for an advisory review of EPA's draft report *''Considerations Related to Post-Closure Monitoring of Uranium In-Situ Leach/In-Situ Recovery (ISL/ISR) Sites.''*

DATES: The public teleconference will be conducted on July 12, 2011 from 1 p.m. to 4 p.m. (Eastern Daylight time). The two-day meeting will begin at 9 a.m. on Monday, July 18, 2011 and adjourn no later than 5 p.m. on Tuesday, July 19, 2011.

ADDRESSES: The public teleconference will be conducted by telephone only. The two-day meeting will be held at the Saint Regis Hotel, 923 16th and K Streets, NW., Washington, DC 20006.

Purpose of the Teleconference and Meeting: The purpose of the July 12, 2011 teleconference is to discuss and seek clarification of EPA's charge to the RAC, discuss the draft agenda for the face-to-face meeting of July 18 and 19, 2011, as well as to discuss committee assignments. The purpose of the July 18 and 19, 2011 meeting is to receive presentations from the Agency staff, discuss responses to the charge questions, receive public comment and begin to draft the response.

Availability of Meeting Materials: A roster and biosketches of the augmented RAC, the meeting agenda, the charge to the SAB for the advisory, and other supplemental materials will be posted on the SAB Web site at *http://www.epa.gov/sab* prior to the teleconference and meeting.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice may contact Dr. K. Jack Kooyoomjian, Designated Federal Officer (DFO), SAB Staff Office (1400R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or by telephone/voice mail at (202)–564–2064, or via email at *kooyoomjian.jack@epa.gov*. The review materials may be found at *http://yosemite.epa.gov/sab/sabproduct.nsf/c91996cd39a82f648525742400690127/0314cef928df63cc8525775200482fa3!OpenDocument*. General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at *http://www.epa.gov/sab.*

Technical Contact: Technical background information pertaining to Uranium In-Situ Leach Recovery—Post-Closure Stability Monitoring can be found at *http://www.epa.gov/radiation/tenorm/pubs.html*. Information pertaining to EPA's regulatory standards in 40 CFR part 192—Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings can be found at *http://yosemite.epa.gov/opei/rulegate.nsf/byRIN/2060–AP43?opendocument*. For questions concerning the technical aspects of this topic, please contact Dr. Mary E. Clark of the U.S. EPA, ORIA by telephone at (202) 343–9348, fax at (202) 343–2395, or e-mail at *clark.marye@epa.gov.*

SUPPLEMENTARY INFORMATION: *Background:* The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDAA), codified at 42 U.S.C. 4365 to provide independent scientific and technical peer review advice, consultation and recommendations to the EPA Administrator on the technical basis for Agency actions, positions and regulations. As a Federal Advisory Committee, the SAB conducts business

in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. Pursuant to FACA and EPA policy, notice is hereby given that the SAB will hold a public teleconference to initiate an advisory, followed by a two-day meeting. The SAB will comply with the provisions of FACA and all appropriate EPA and SAB Staff Office procedural policies.

EPA is conducting a review of its regulatory standards in 40 CFR part 192—Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings. In accordance with the Uranium Mill Tailings Radiation and Control Act (UMTRCA) section 206, EPA is authorized to develop standards for the protection of public health, safety, and the environment from radiological and non-radiological hazards associated with residual radioactive materials. The Agency is currently undertaking a review to determine if the existing standards, last revised by EPA in 1995, should be updated. The expectation is that In-Situ Leach Recovery (ISL/ISR) operations will be the most common type of new uranium extraction facility in the U.S. These facilities can affect groundwater. Accordingly, EPA is seeking scientific advice and relevant technical criteria to establish standards and procedures, including the relevant period for monitoring ISL/ISR facilities once uranium extraction operations are completed, to provide reasonable assurances of aquifer stability and groundwater protection.

The EPA has requested the SAB review a draft technical document on ISL/ISR post closure stability monitoring to evaluate what criteria should be considered to establish a specific period of monitoring for ISL/ISR facilities, once uranium extraction operations are completed. Among the issues to be considered are whether a time frame can be established; whether specific site characteristics, features or benchmarks can be used to aid in establishing a post-closure monitoring time period; and if other technical approaches should be considered by EPA to provide reasonable assurances of aquifer stability and groundwater protection.

The SAB Staff Office requested nominations of experts in the **Federal Register** (Vol. 75, No. 226, Weds, November 24, 2010, pages 71702–71703) and has formed an expert panel by augmenting the RAC with additional experts to review the EPA's draft technical report, which will be used as a basis to evaluate the technical and scientific issues pertaining to standards in 40 CFR Part 192—Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings.

Availability of Meeting Materials: The Agenda and other materials in support of the teleconference and two-day meeting will be placed on SAB Web site in advance of the teleconference and meeting.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a federal advisory committee to consider as it develops advice for EPA. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for SAB panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the Designated Federal Officer directly.

Oral Statements: In general, individuals or groups requesting an oral presentation at a teleconference will be limited to three minutes. Those interested in being placed on the public speakers list for the July 6, 2011 teleconference should contact Dr. Kooyoomjian at the contact information provided above no later than noon on July 5, 2011. Those interested in being placed on the public speakers list for the July 18 and 19, 2011 meeting should contact Dr. Kooyoomjian by noon on July 15, 2011. *Written Statements:* Written statements should be supplied to the DFO via e-mail at the contact information noted by noon July 5, 2011 for the teleconference, and by noon on July 14, 2011 so that the information may be made available to the Panel members on the augmented RAC for their consideration. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows98/2000/XP format. It is the SAB Staff office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document, because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Kooyoomjian at (202) 564–2064 or e-mail at *kooyoomjian.jack@epa.gov.* To request accommodation of a disability, please contact Dr. Kooyoomjian preferably at least ten days prior to the teleconference or meeting to give as much time as possible to process your request.

Dated: June 16, 2011.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2011–15761 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2009–0274; FRL–9322–8]

[RIN 2020–AA47]

Proof of Concept Demonstration for Electronic Reporting of Clean Water Act Compliance Monitoring Data: Announcement of Meeting and Demonstration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) will conduct a public webinar in order to inform interested parties about an opportunity to participate in a technical proof of concept demonstration for electronic reporting of Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) Discharge Monitoring Report (DMR) compliance monitoring data. This webinar will be held on Wednesday, July 13, 2011, from 10:30 a.m.–12 p.m. EDT.

EPA announced on July 6, 2009, that it would develop a Clean Water Action Plan [1] to enhance public transparency regarding clean water enforcement performance at Federal and state levels, to strengthen that performance, and to transform EPA's water quality and compliance information systems. A consensus suggestion across co-regulators and stakeholder groups was

[1] *See: http://www.epa.gov/oecaerth/civil/cwa/cwaenfplan.html.*

to implement electronic reporting from facilities that are required to submit reports to a regulatory agency. To fully realize the transformation of reporting and data management into the 21st century, OECA is developing a rule to require NPDES permittees to provide a variety of environmental information electronically. EPA is exploring different electronic reporting options to enable NPDES regulated facilities to electronically submit their compliance monitoring data. EPA will conduct a technical proof of concept to demonstrate the electronic reporting of NPDES compliance monitoring data from regulated facilities via an 'open platform e-file' electronic reporting option. The 'open platform e-file' proof of concept demonstration will focus the electronic transmission of NPDES DMRs from a third-party commercial software provider (''provider'') to EPA. If EPA were to fully implement this option, any provider that meets the Agency's data exchange standards, protocols, and specifications would be able to offer electronic reporting services to the regulated community for the NPDES program (*e.g.,* NPDES permitted facilities). This open platform model would likely be similar to the Internal Revenue Service (IRS) model for electronic reporting, which uses third-party software providers for tax data collection and transmission (*e.g.,* TurboTax, TaxACT, or others [no endorsement intended or implied]) from private citizens and businesses. The Agency does not intend to purchase services from any provider. All financial transactions would be between the providers and members of the regulated community. EPA will conduct a public webinar to provide an overview of the ''open platform e-file option'' and to identify person(s) interested in participating in a proof of concept demonstration of the technical feasibility of this ''open platform e-file option'' and to identify the specific system and process information necessary for this proof of concept demonstration.

DATES: EPA will conduct the public webinar on Wednesday, July 13, 2011, from 10:30 a.m.–12 p.m. EDT.

ADDRESSES: Persons interested in attending this webinar should register at: *https://www1.gotomeeting.com/register/887495337.*

FOR FURTHER INFORMATION CONTACT: For additional information, please contact Ms. Lucy Reed, Deputy Director, Enforcement Targeting and Data Division, Office of Compliance (mail code 2222A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–5036; e-mail address: *reed.lucy@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA's information about point source water pollution and their compliance with the CWA is largely built on paper-based reporting systems developed nearly forty years ago and initially focused on a subset of point source pollution. Since then, the universe of permitted facilities has grown exponentially and there is significant interest in the electronic reporting of information for this expanded universe of regulated facilities. Electronic data collection and transmission could potentially: (1) Aid regulated facilities in reporting their NPDES compliance monitoring data; (2) reduce burden on states as electronic data submissions eliminate the need for transferring data from paper-based forms to databases; (3) provide more timely and accurate data for enforcement targeting and reporting; (4) increase transparency on regulatory compliance; and (5) enhance EPA's oversight and states' management of the NPDES program. EPA and many states already have built electronic reporting tools for some of the CWA NPDES compliance monitoring information. For example, in June 2009, EPA built and made publicly available an electronic reporting tool, Network Discharge Monitoring Report (NetDMR), for the electronic reporting of Discharge Monitoring Report (DMR) data from the regulated facilities to EPA.[2]

In the future, EPA would like to supplement existing electronic reporting options with the 'open platform e-file' option, to allow providers the opportunity of providing electronic reporting services to their clients (*e.g.,* NPDES permitted facilities). Similar to the IRS system, the open platform e-file option would rely on third-party commercial software providers to gather monitoring data via an application user interface for the NPDES regulated community to report the data to EPA and state agencies electronically. Currently, this is only a technical proof of concept demonstration effort, but if and when EPA was to fully implement the open platform e-file option, EPA would need to review and determine if the third-party commercial software meets the standards, protocols and specifications for electronic reporting, and how these software providers would share this data with EPA through the Central Data Exchange (CDX) using the Environmental Information Exchange Network (''Exchange Network'') services. EPA would also need to coordinate with states to fully implement the open platform e-file option as EPA has authorized 46 states to manage the NPDES permit program.[3] EPA conducted such coordination with the development and implementation of NetDMR. The Agency does not intend to purchase services from any provider as part of this technical proof of concept. If and when EPA was to fully implement the open platform e-file option all financial transactions would be between the providers and members of the regulated community. EPA will not be a party to these transactions.

EPA will use the webinar as means to provide an overview and the scope and schedule for the 'technical proof of concept' for the open platform e-file option. The webinar is open to all interested persons but will be mainly focused on providing information to providers that might be interested in participating in a 'technical proof of concept' for the open platform e-file option. The webinar will also answer questions for persons interested in participating in the technical proof of concept demonstration.

The webinar will provide an overview on the following topics:

- Agency's Clean Water Action Plan, the NPDES Electronic Reporting Rule, and the potential role for the open platform e-file option.
- EPA's CDX and Exchange Network Web services that could support the open platform e-file option.
- Scope of the technical proof of concept for the open platform e-file option (DMR data).
- Schedule and requirements for third-party providers interested in participating in the technical proof of concept.
- Solicit questions from the webinar participants on the technical proof of concept demonstration.

The technical proof of concept is open to all providers; however, providers must describe and provide examples of their work experience and technical experience in the data exchange and the NPDES permit program. In order to participate in the technical proof of concept interested third-party providers must submit a letter of interest, not to exceed 5 pages, to Ms. Reed, *see* **FOR FURTHER INFORMATION CONTACT** section, by Wednesday, July 27, 2011, indicating their interest in participating in the technical proof of concept demonstration along with a short description of their company, contact information, and work experience (including examples) in using the

[2] *See: http://www.epa.gov/netdmr/.*

[3] *See: http://cfpub.epa.gov/npdes/statestats.cfm.*

following standards, protocols, and specifications in order to use EPA Exchange Network services:

- The Node 2.0 Functional Specifications and Protocols (*http://www.exchangenetwork.net/node/node2.0.htm*).
- Integrated Compliance Information System–National Pollutant Discharge Elimination System (ICIS–NPDES) Flow Configuration Document, DMR Extensible Markup Language (XML) Schema, ICIS DMR Batch User Guide, ICIS DMR Data Exchange Template, and ICIS DMR Example XML Instance Document (*http://www.exchangenetwork.net/exchanges/water/icisnpdes.htm*).
- Exchange standards that include: Extensible Markup Language (XML); Simple Object (SOAP) v 1.2; Web Services Description Language (WSDL) v1.1; Secure Hypertext Transfer Protocol (https) (*see* NIST 800–52); WS-Security v 1.0; and Message Transmission Optimization mechanism (MTOM).

The description should include the following items to illustrate the experience the provider has in meeting the requirements identified above:

—Connect using https.
—Submit files to an EPA Node using the published WSDL.
—Support Trading Partners in Exchange Network data exchanges using Node 2.0 specifications.
—Generate data in XML format.
—Operate schema validation tools.
—Parse XML files.
—Gather and store Discharge Monitoring Report data from facilities.
—Provide monthly Discharge Monitoring Report data in an electronic format.
—Transfer files through the CDX node on the Exchange Network.
—Check the submission status with CDX, and download processing results from CDX.
—Generate monthly DMR data in XML format as required by ICIS.

Interested third-party providers must also include in their letter of interest a short written statement of their experience and understanding of the NPDES program and of their experience with assisting regulated entities or states with completion of DMR submissions and whether these submissions used the DMR XML schema, and the use of the technical specification, protocols, and standards in these data exchanges. Interested third-party providers must also include in their letter of interest a statement certifying that they are not on the General Services Administration's Excluded Parties List System.[4]

EPA will review these written submissions to identify the providers that meet EPA's eligibility requirements for participation in the technical proof of concept. EPA will determine eligibility based on the providers written submissions of their work experience (including examples) in using data exchange standards, protocols, and specifications (*see* previous three bullets) and the NPDES permit program (*see* previous paragraph). Based on these written submissions EPA will identify and notify all eligible providers that they have been accepted in the participation in the technical proof of concept. EPA will use the webinar to outline the process and factors that it will be used for determining eligibility for participation in the technical proof of concept.

EPA will work with these third-party providers to conduct an initial service test to connect, authenticate, submit and download a sample document to a service to be provided by EPA. This initial test will identify the third-party providers that can successfully connect to and use EPA's data exchange services, using the following standards and the Node 2.0 functional specification and protocols and the exchange standards identified above. EPA will assist these software providers in setting up and conducting this services test and in identifying the criteria for demonstrating a successful connection and use of EPA's data exchange services. See Appendix A, ''Technical Proof of Concept Objective, Scope, Criteria for Success.'' The initial services test will need to be completed by August 4, 2011. EPA may grant an extension to this date for good cause and will notify provider participants of any changes to this date. Those unable to demonstrate basic connectivity and use of services within this time frame will not be able to continue their participation in the technical proof of concept. EPA will send written notification to these providers identifying whether they demonstrated a successful connection to EPA's data exchange services. Providers that have not demonstrated a successful connection and use of EPA services may send an e-mail to Mr. Roy Chaudet, EPA's Office of Environmental Information, if they wish EPA to re-consider its decision (*chaudet.roy@epa.gov*). During the basic services test period, technical questions can be directed to Mr. Chaudet or Ms. Alison Kittle, EPA's Office of Enforcement and Compliance Assurance (*kittle.alison@epa.gov*).

Third-party providers that successfully pass the initial services test will then conduct another test demonstrating the ability for their application to perform automated electronic submissions of DMR data to EPA. EPA will not use actual DMR data for this test but will provide sample data (*e.g.,* pollutant monitoring data, permit limits) to third-party software providers to use to create and test their DMR submissions in this technical proof of concept. EPA will also assist these providers in setting up and conducting this test and in identifying the criteria for demonstrating a successful transmission of DMR data to EPA. See Appendix A, ''Technical Proof of Concept Objective, Scope, Criteria for Success.'' This second test will need to be completed by September 30, 2011. EPA may grant an extension to this date for good cause and will notify provider participants of any changes to this date.

Given that this is only a technical proof of concept demonstration, the requirements of the Cross Media Electronic Reporting Rule (CROMERR), 40 CFR Part 3, will not be included in this proof of concept.[5] EPA notes that full implementation of the open platform e-file option would require compliance with CROMERR and any future requirements of the NPDES Electronic Reporting Rule.

EPA will use the webinar to solicit names of persons interested in a technical proof of concept for the open platform e-file option for the electronic submission of DMRs. However, participation in the webinar is not a prerequisite for participation in the technical proof of concept. At the conclusion of the technical proof of concept demonstration, EPA will provide a summary of results of the proof of concept demonstration in the docket for the NPDES Electronic Reporting Rule (*see* EPA–HQ–OECA–2009–0274) and on the Web page supporting this demonstration. Participation in this technical proof of concept is voluntary and EPA will not be providing funds for participation. Additionally, EPA will not use this technical proof of concept demonstration or its results to endorse the commercial products or services of any third-party software providers.

Proof of Concept Demonstration for Electronic Reporting of Clean Water Act Compliance Monitoring Data: Announcement of Meeting and Demonstration

EPA and the Federal government are prohibited from endorsing any product,

[4] *See: https://www.epls.gov/.*

[5] *See: http://www.epa.gov/cromerr/about.html.*

service or enterprise. EPA will also not use participation in the technical proof of concept as an eligibility factor for participation in potential future related data exchange projects or with any potential production deployment of third-party data exchange. Persons that are interested in participating in the technical proof of concept but cannot attend the webinar should contact Ms. Reed, *see* **FOR FURTHER INFORMATION CONTACT** section.

Dated: June 15, 2011.

Lisa C. Lund,

Director, Office of Compliance.

Dated: June 15, 2011.

Andrew Battin,

Director, Office of Information Collection.

Appendix A: Technical Proof of Concept Objective, Scope, and Criteria for Success

Objective: The objective of the technical proof of concept is to demonstrate that a third party software provider can offer an interface to the regulated community that can leverage EPA/Exchange Network services and meet the requirements for electronic reporting to EPA's Integrated Compliance Information System (ICIS)-NPDES system.

Scope: The technical proof of concept shall demonstrate basic functionality for electronically submitting DMRs using existing EPA standards, protocols, and specifications. For this technical proof of concept, the general scope is expected to include:

Initial Setup. Each software provider selected for participating in the technical proof of concept demonstration by EPA must apply for their own Network Authentication Authorization Services (NAAS) test account by contacting the Central Data Exchange (CDX) Node Help Desk at *nodehelpdesk@epacdx.net.* All software providers must request the ICIS test user account and data flow configuration information for transferring data to EPA's ICIS system by contacting Ms. Kittle (*kittle.alison@epa.gov*).

Basic Permit/DMR Information. EPA will provide permit limit data to the participating software provider for a sample permit in EPA's ICIS–NPDES system for the provider to be able to use in their submissions. EPA will provide the algorithms for anticipating DMRs from the limit data for the software provider to identify and extract monitoring data when it is due at EPA. This will be done using the vendor's software and not simply creating an XML file.

Preparing DMR for Submission. Using the ICIS limits data and algorithm provided by EPA, the software provider shall extract the expected DMR data and use it to prepare an XML file based upon the format as prescribed in EPA's ICIS DMR Batch User Guide, ICIS DMR Data Exchange Template, and ICIS DMR Example XML Instance Document. The software provider will be responsible for validating the resulting sample DMR XML against the DMR XML schema before compressing the file into a format compatible with WinZip.

Electronic Submission of Sample DMR. Using the established connectivity and the standards, protocols, and specifications for the Exchange Network's data exchange services, the software provider shall connect, authenticate and invoke services necessary to electronically submit their sample DMR XML to CDX.

Processing by CDX. Once the sample DMR XML zipped file is received by CDX, it must pass simple validation checks against EPA's DMR XML schema. The software provider will be responsible for tracking the status of the submission, obtaining the results of the submission, correcting any errors that will have occurred, and resubmitting the DMR XML to EPA until it has been properly processed.

Processing by ICIS. Once the sample submission has successfully passed schema validation, CDX will distribute the file to ICIS for processing. ICIS will return an XML file containing the list of key fields for parameters able to be processed (''accepted transactions'') along with an XML file of parameters unable to be processed with error messages (''rejected transactions''). The software provider will be responsible for downloading this report through the download service provided by CDX and providing a means for viewing these errors within their software package.

Criteria for Success: The general criteria for successful completion of the technical proof of concept by the software provider are:

- Ability of the software provider's electronic reporting software to use ICIS limit set information to determine when a scheduled parameter is due in ICIS.
- Successful generation of the following types of sample DMR XML files in the format expected by ICIS via the software provider's electronic reporting software:
  - DMRs with change, replace and mass delete transactions being submitted at the same time for one or more permitted facilities;
  - One permitted facility having over 25 unique outfalls with parameters being reported at the same time;
  - One permitted facility having over 25 unique parameters being reported at the same time;
  - Multi-seasonal parameters being reported with non-seasonal parameters at the same time for one or more permitted facilities;
  - Parameters monitored monthly, quarterly, annually and semi-annually being reported at the same time for one or more permitted facilities;
  - Scheduled parameters and unscheduled parameters being reported at the same time for one or more permitted facilities;
  - Monitored and optionally monitored parameters being reported at the same time for one or more permitted facilities;
  - Biosolids data being reported with parameter values at the same time for one or more permitted facilities;
  - Parameters for one or more sewage treatment plants being reported for one or more permitted facilities;
  - Parameters with reported values, parameters with No Discharge Indicators, and parameters with a combination of reported values and No Discharge Indicators being reported at the same time for one or more permitted facilities; and
  - DMRs that are able to pass all business rules specified in the ICIS Batch Technical Specification Document.
- Successful authentication and electronic submission of all types of sample DMR XML files listed above to CDX via the software provider's electronic reporting software.
- Ability to receive, track and interpret CDX notices on the status of each DMR XML file submission.
- Ability of all types of sample DMR XML files to pass initial schema validation by CDX.
- Successful retrieval of CDX schema validation result reports and ICIS error reports in XML format for each submission to CDX, and use the reports to perform defect correction and resubmission of corrected DMR XML files as necessary.
- 100% success in the ability of ICIS to process all of the sample DMR XML files listed above.
- Ability for the software provider's electronic reporting software to receive, parse and process accepted and rejected transaction reports returned by ICIS for each CDX submission with a status of ''Completed'' in XML format, and translate them into a human readable format for the submitter to review.

[FR Doc. 2011–15642 Filed 6–22–11; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting Notice

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday, June 28, 2011, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2011–15915 Filed 6–21–11; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2011–15233) published on pages 35893 and 35894 of the issue for Monday June 20, 2011.

Under the Federal Reserve Bank of New York heading, the entry for Banco do Brasil S.A., Brasilia, Brazil, is revised to read as follows:

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. *Banco do Brasil S.A.,* Brasilia, Brazil, and Caixa de Previdencia dos Funcionarios do Banco do Brasil, Rio de Janeiro, Brazil; to become bank holding companies by acquiring 51 percent of the voting shares of Eurobank, Boca Raton, Florida.

Comments on this application must be received by July 15, 2011.

Board of Governors of the Federal Reserve System, June 20, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–15699 Filed 6–22–11; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 3:30 p.m., Wednesday, June 29, 2011.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets, NW., Washington, DC 20551.

STATUS: Open.

On the day of the meeting, you will be able to view the meeting via webcast from a link available on the Board's public Web site. You do not need to register to view the webcast of the meeting. A link to the meeting documentation will also be available approximately 20 minutes before the start of the meeting. Both links may be accessed from the Board's public Web site at *http://www.federalreserve.gov.*

If you plan to attend the open meeting in person, we ask that you notify us in advance and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling 202–452–2474 or you may register online. You may pre-register until close of business on June 28, 2011. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call 202–452–2955 for further information.

If you need an accommodation for a disability, please contact Penelope Beattie on 202–452–3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on 202–263–4869.

Privacy Act Notice: The information you provide will be used to assist us in prescreening you to ensure the security of the Board's premises and personnel. In order to do this, we may disclose your information consistent with the routine uses listed in the Privacy Act Notice for BGFRS–32, including to appropriate federal, state, local or foreign agencies where disclosure is reasonably necessary to determine whether you pose a security risk or where the security or confidentiality of your information has been compromised. We are authorized to collect your information by 12 U.S.C. 243 and 248, and Executive Order 9397. In accordance with Executive Order 9397, we collect your SSN so that we can keep accurate records, because other people may have the same name and birth date. In addition, we use your SSN when we make requests for information about you from law enforcement and other regulatory agency databases. Furnishing the information requested is voluntary; however, your failure to provide any of the information requested may result in disapproval of your request for access to the Board's premises. You may be subject to a fine or imprisonment under 18 U.S.C. 1001 for any false statements you make in your request to enter the Board's premises.

Matters To Be Considered

Discussion Agenda

1. Proposed Governing Debit Card Interchange Fees, the Fraud Prevention Adjustment, Routing and Exclusivity Restrictions and related matters.

Note: 1. The staff memo to the Board will be made available to the public on the day of the meeting in paper and the background material will be made available on a compact disc (CD). If you require a paper copy of the entire document, please call Penelope Beattie on 202–452–3982. The documentation will not be available until about 20 minutes before the start of the meeting.

2. This meeting will be recorded for the benefit of those unable to attend. CDs will then be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $4 per disc by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 for a recorded announcement of this meeting; or you may access the Board's public Web site at *http://www.federalreserve.gov* for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: June 21, 2011.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2011–15930 Filed 6–21–11; 4:15 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC): Notice of Cancellation

AGENCY: National Toxicology Program (NTP), National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health.

ACTION: Notice of meeting cancellation.

SUMMARY: The NTP BSC meeting, scheduled for July 21, 2011, and announced in the **Federal Register** (76 FR 28785), has been cancelled.

FOR FURTHER INFORMATION CONTACT: Dr. Lori White (*telephone:* 919–541–9834 or *whiteld@niehs.nih.gov*).

Dated: June 14, 2011.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2011–15656 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Announcement of Availability of the Report on Carcinogens, Twelfth Edition

AGENCY: National Toxicology Program (NTP), National Institute of Environmental Health Sciences (NIEHS); National Institutes of Health (NIH).

ACTION: Availability of the Report on Carcinogens, Twelfth Edition (12th RoC).

SUMMARY: The Department of Health and Human Services released the 12th RoC to the public on June 10, 2011. The report is available on the RoC Web site at: *http://ntp.niehs.nih.gov/go/roc12* or in printed text or electronically from the Office of the RoC (*see* **ADDRESSES** below).

DATES: The 12th RoC will be available to the public on June 10, 2011.

ADDRESSES: Dr. Ruth Lunn, Director, Office of the RoC, NTP, NIEHS, P.O. Box 12233, MD K2–14, Research Triangle Park, NC 27709; *telephone:* (919) 316–4637; FAX: (919) 541–0144; *lunn@niehs.nih.gov.*

FOR FURTHER INFORMATION CONTACT: Questions or comments concerning the 12th RoC should be directed to Dr. Ruth Lunn (*telephone:* (919) 361–4637 or *lunn@niehs.nih.gov*).

SUPPLEMENTARY INFORMATION:

Background Information on the RoC

The RoC is a Congressionally mandated document that identifies and discusses agents, substances, mixtures, or exposure circumstances (collectively referred to as ''substances'') that may pose a hazard to human health by virtue of their carcinogenicity. Substances are listed in the report as either *known* or *reasonably anticipated to be human carcinogens.* The listing of a substance in the RoC indicates a potential hazard, but does not establish the exposure conditions that would pose cancer risks to individuals in their daily lives. For each listed substance, the RoC provides information from cancer studies that support the listing as well as information about potential sources of exposure and current Federal regulations to limit exposures. Each edition of the RoC is cumulative, that is, it lists newly reviewed substances in addition to substances listed in the previous edition. Information about the RoC is available on the RoC Web site (*http://ntp.niehs.nih.gov/go/roc12*) or by contacting Dr. Lunn (*see* **ADDRESSES** above).

The NTP prepares the RoC on behalf of the Secretary of Health and Human Services. For the 12th RoC, the NTP followed an established, multi-step process with multiple opportunities for public input, and used established criteria to evaluate the scientific evidence on each candidate substance under review (*http://ntp.niehs.nih.gov/go/15208*).

New Listings to the 12th RoC

The 12th RoC contains 240 listings, some of which consist of a class of structurally related chemicals or agents. There are six new listings and two revised listings in this edition. The revised listings include (1) Formaldehyde, which was previously listed as *reasonably anticipated to be a human carcinogen* and is now listed as *known to be a human carcinogen,* and (2) certain glass wool fibers (inhalable). Glass wool (respirable) was first listed in the 7th RoC as *reasonably anticipated to be a human carcinogen,* but the scope of the listing changed and now certain glass wool fibers (inhalable) are listed as *reasonably anticipated to be human carcinogens.* The six new listings to the 12th RoC include one substance, aristolochic acids, listed as *known to be human carcinogens,* and five substances—captafol, cobalt–tungsten carbide: powders and hard metals, o-nitrotoluene, riddelliine, and styrene—listed as *reasonably anticipated to be a human carcinogen.*

Dated: June 14, 2011.

Linda S. Birnbaum,

Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. 2011–15658 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–11–07BH]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Daniel Holcomb, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Environmental Health Specialists Network (EHS–NET) Program Generic Package (no. 0920–0792; expiration date: 10/31/2011)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The CDC is requesting OMB approval for three additional years to use this generic clearance for a research program focused on identifying the environmental causes of foodborne illness. This revision will provide OMB clearance for EHS–NET data collections conducted in 2011 through 2014 (a maximum of 3 annually). The program is revising the generic information collection request (ICR)in the following ways:

(1) We reduced the number of respondent groups from 3 to 1.

(2) We reduced the number of studies we expect to conduct on an annual basis, which reduces the estimated burden.

(3) We will use enhanced statistical methods in comparison to the previous ICR. Specifically, we plan to collect generalizable data.

Reducing foodborne illness first requires identification and understanding of the environmental factors that cause these illnesses. We need to know how and why food becomes contaminated with foodborne illness pathogens. This information can then be used to determine effective food safety prevention methods. Ultimately, these actions can lead to increased regulatory program effectiveness and decreased foodborne illness. The purpose of this food safety research program is to identify and understand environmental factors associated with foodborne illness and outbreaks. This program will continue to involve up to 3 data collections a year. This program is conducted by the Environmental Health Specialists Network (EHS–NET), a collaborative project of CDC, FDA, USDA, and six state/local sites (CA, NYC, NY, MN, RI, and TN).

Environmental factors associated with foodborne illness include both food safety practices (*e.g.,* inadequate cleaning practices) and the factors in the environment associated with those practices (*e.g.,* worker and retail food establishment characteristics). To understand these factors, we need to continue to collect data from those who prepare food (*i.e.,* food workers) and on the environments in which the food is prepared (*i.e.,* retail food establishment kitchens). Thus, data collection methods for this generic package include: (1) Worker interviews/surveys, and (2) observation of kitchen environments. Both methods allow data collection on food safety practices and environmental factors associated with those practices.

For each data collection, we will collect data in approximately 80 retail food establishments per EHS–NET site. Thus, there will be approximately 480 establishments per data collection (6 sites*80 establishments). For each data collection, we will collect interview/survey data from 1 to 3 workers per establishment. Each respondent will respond only once. Each worker interview/survey will take approximately 30 minutes. Thus, the maximum annual burden for the interview/surveys per data collection will be 720 hours (480 establishments*3 workers*30 minutes). As we plan to conduct up to 3 data collections annually, the maximum annual worker interview/survey burden will be 2,160 hours (720 hours*3 data collections).

We expect a worker response rate of approximately 70 percent. Thus, for each data collection, we will need to conduct a recruiting screener with approximately 2,057 worker respondents to obtain the needed number of respondents. Each respondent will respond only once. Each screener will take approximately 3 minutes. Thus, the maximum annual burden for the recruiting screeners per data collection will be 103 hours (2,057 workers*3 minutes). As we plan to conduct up to 3 data collections annually, the maximum annual burden will be 309 hours (103 hours*3 data collections). Thus, the maximum annual burden will be 2,469 hours (2,160 hours for worker interview/surveys + 309 hours for worker recruiting screener). There is no cost to the respondent other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Retail food workers	Interview/survey	4,320	1	30/60	2,160
Retail food workers	Recruiting screener	6,171	1	3/60	309
Total					2,469

Daniel Holcomb,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. 2011–15682 Filed 6–22–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Time and Date: 11 a.m.–3 p.m., July 11, 2011.

Place: Audio Conference Call via FTS Conferencing. The USA toll-free, dial-in number is 1–866–659–0537 and the pass code is 9933701.

Status: Open to the public, but without a public comment period.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines, which have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, most recently, August 3, 2009, and will expire on August 3, 2011.

Purpose: This Advisory Board is charged with a) Providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters To Be Discussed: The agenda for the conference call includes: HHS Notice of Proposed Rulemaking to Amending 42 CFR Part 81 (to add Chronic Lymphocytic Leukemia as a ''radiogenic cancer'' for the determination of probability of causation under Subpart B of EEOICPA); NIOSH SEC Petition Evaluation for Ames Laboratory (Ames, Iowa) and General Electric Company (Evendale, Ohio); NIOSH 10-mkYear Review of Its Division of Compensation Analysis and Support (DCAS) Program; Subcommittee and Work Group Updates; DCAS SEC Petition Evaluations Update for the August 2011 Advisory Board Meeting; and Board Correspondence.

The agenda is subject to change as priorities dictate.

Because there is not a public comment period, written comments may be submitted. Any written comments received will be included in the official record of the meeting and should be submitted to the contact person below in advance of the meeting.

Contact Person for more Information: Theodore M. Katz, M.P.A., Executive Secretary, NIOSH, CDC, 1600 Clifton Road, NE., Mailstop: E–20, Atlanta, GA 30333, Telephone (513) 533–6800, Toll Free 1–800–CDC–INFO, E-mail *ocas@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry.

Dated: June 16, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–15681 Filed 6–22–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institute for Occupational Safety and Health (NIOSH); Request for Nominations To Serve on the World Trade Center Health Program Science/Technical Advisory Committee (WTCHP–STAC)

The Centers for Disease Control and Prevention (CDC) is soliciting nominations for possible membership on the WTCHP–STAC. This committee was established by Public Law 111–347 (The James Zadroga 9/11 Health and Compensation Act of 2010), enacted on January 2, 2011, Section 3302(a). The Advisory Committee is governed by the provisions of Public Law 92–463, the Federal Advisory Committee Act, as amended (5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees in the Executive Branch.

Section 3302(a)(1) of the James Zadroga 9/11 Health and Compensation Act of 2010 (the Act) establishes that the WTCHP–STAC will review scientific and medical evidence and make recommendations to the WTC Program Administrator on additional program eligibility criteria and additional health conditions for program inclusion. The committee will be consulted on other matters as related to and outlined in the Act at the discretion of the WTC Program Administrator. In accordance with Public Law 111–347, Section 3302(a)(2), the WTC Program Administrator will appoint the members of the committee and include at least:

- 4 occupational physicians, at least two of whom have experience treating WTC rescue and recovery workers;
- 1 physician with expertise in pulmonary medicine;
- 2 environmental medicine or environmental health specialists;
- 2 representatives of WTC responders;
- 2 representatives of certified-eligible WTC survivors;
- 1 industrial hygienist;
- 1 toxicologist;
- 1 epidemiologist; and, at least
- 1 mental health professional.

For the mental health professional category, specific expertise is sought in trauma-related psychiatry or psychology and psychiatric epidemiology. Other members may be appointed at the discretion of the WTC Program Administrator.

A WTCHP–STAC member's term appointment may last four years. If a vacancy occurs, the WTC Program Administrator may appoint a new member who represents the same interest as the predecessor. WTCHP–STAC members may be appointed to successive terms. The frequency of committee meetings shall be determined by the WTC Program Administrator based on program needs. Meetings may occur up to four times a year. Members are paid the Special Government Employee rate of $250 per day, and travel costs and per diem are included and based on the Federal Travel Regulations.

Any interested person or organization may self-nominate or nominate one or more qualified persons for membership. Nominations must include the following information:

- The nominee's contact information and current occupation or position;
- The nominee's resume or curriculum vitae, including prior or current membership on other NIOSH, CDC, HHS advisory committees or other relevant organizations, associations, and committees;
- The category of membership (occupational, pulmonary or environmental medicine physician, environmental health specialist, representative of responder or survivor beneficiary group, industrial hygienist, toxicologist, epidemiologist, or mental health) that the candidate is qualified to represent;
- A summary of the background, experience, and qualifications that demonstrates the nominee's suitability for each of the nominated membership categories;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, and experience in relevant subject categories; and
- A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in WTCHP–STAC meetings, and has no known conflicts of interest that would preclude membership on WTCHP–STAC.

WTCHP–STAC members will be selected upon the basis of their relevant experience and competence in their respective categorical fields. The information received through this nomination process, in addition to other relevant sources of information, will assist the WTC Program Administrator in appointing members to serve on WTCHP–STAC. In selecting members, the WTC Program Administrator will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals.

NIOSH is committed to bringing greater diversity of thought, perspective and experience to its advisory committees. Nominees from all races, gender, age and persons living with disabilities are encouraged to apply. Nominees must be U.S. citizens.

Candidates invited to serve will be asked to submit the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the Centers for Disease Control and Prevention.'' This form allows CDC to determine whether there is a statutory conflict between that person's public responsibilities as a Special Government Employee and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded at *http://www.usoge.gov/forms/oge450_pdf/oge450_accessible.pdf.* This form should not be submitted as part of a nomination.

Nominations should be submitted (postmarked or received) by July 7, 2011.

You may submit nominations for WTCHP–STAC, identified by NIOSH Docket No. NIOSH–229, by any of the following methods:

- *Electronic submissions:* You may submit nominations, including attachments, electronically to the NIOSH Docket No. NIOSH–229 located at *http://www.cdc.gov/niosh/docket/.* Follow the instructions for submitting

electronic comments. Attachments should be in Microsoft Word, WordPerfect, or Excel; however, Microsoft Word is preferred.

• *Regular, Express, or Overnight Mail:* Written nominations may be submitted (one original and two copies) to the following address only: NIOSH Docket 229 or Zaida Burgos, Committee Management Specialist, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., M/S E–20, Atlanta, Georgia 30333. Telephone and facsimile submissions cannot be accepted.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: June 16, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2011–15684 Filed 6–22–11; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–E–0315]

Determination of Regulatory Review Period for Purposes of Patent Extension; Fusilev, Levoleucovorin

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Fusilev (Levoleucovorin) and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions along with three copies and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6222, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Fusilev (levoleucovorin calcium), a folate analog. Levoleucovorin rescue is indicated after high-dose methotrexate therapy in osteosarcoma and is also indicated to diminish the toxicity and counteract the effects of impaired methotrexate elimination and/or inadvertent overdosage of folic acid antagonists. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Fusilev (U.S. Patent No. 6,500,829) from the University of Strathclyde, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration and that FDA determine the product's regulatory review period. In a letter dated June 1, 2011, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Fusilev represented the first permitted commercial marketing or use of the product.

FDA has determined that the applicable regulatory review period for Fusilev is 6,993 days. Of this time, 703 days occurred during the testing phase of the regulatory review period, while 6,290 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* January 15, 1989. The applicant claims December 15, 1988, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was January 15, 1989, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* December 18, 1990. The applicant claims December 14, 1990, as the date the new drug application (NDA) for FUSILEV (NDA 20–140) was initially submitted. However, FDA records indicate that NDA 20–140 was submitted on December 18, 1990.

3. *The date the application was approved:* March 7, 2008. FDA has verified the applicant's claim that NDA 20–140 was approved on March 7, 2008.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 797 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by August 22, 2011. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 20, 2011. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see

ADDRESSES) electronic or written comments and written petitions. It is only necessary to send one set of comments. It is no longer necessary to send three copies of mailed comments. However, if you submit a written petition, you must submit three copies of the petition. Identify comments with the docket number found in brackets in the heading of this document.

Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 2, 2011.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 2011–15689 Filed 6–22–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–E–0226]

Determination of Regulatory Review Period for Purposes of Patent Extension; BROVANA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for BROVANA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions along with three copies and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6222, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product BROVANA (arformoterol tartrate). BROVANA is indicated for the long term, twice daily (morning and evening) maintenance treatment of bronchoconstriction in patients with chronic obstructive pulmonary disease, including chronic bronchitis and emphysema. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for BROVANA (U.S. Patent No. 6,589,508) from Sepracor Inc. (now Sunovion Pharmaceuticals, Inc.), and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration and that FDA determine the product's regulatory review period. In a letter dated June 1, 2011, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of BROVANA represented the first permitted commercial marketing or use of the product.

FDA has determined that the applicable regulatory review period for BROVANA is 3,118 days. Of this time, 2,819 days occurred during the testing phase of the regulatory review period, while 299 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* March 26, 1998. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on March 26, 1998.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* December 12, 2005. The applicant claims December 8, 2005, as the date the new drug application (NDA) for Brovana (NDA 21–912) was initially submitted. However, FDA records indicate that NDA 21–912 was submitted on December 12, 2005.

3. *The date the application was approved:* October 6, 2006. FDA has verified the applicant's claim that NDA 21–912 was approved on October 6, 2006.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 745 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by August 22, 2011. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 20, 2011. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written petitions. It is only necessary to send one set of comments. It is no longer necessary to send three copies of mailed comments. However, if you submit a written petition, you must submit three copies of the petition. Identify comments with the docket number found in brackets in the heading of this document.

Comments and petitions that have not been made publicly available on

http://www.regulations.gov may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 2, 2011.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 2011–15691 Filed 6–22–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2009–E–0237; FDA–2009–E–0238; FDA–2009–E–0239]

Determination of Regulatory Review Period for Purposes of Patent Extension; DEXILANT

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for DEXILANT (previously KAPIDEX) and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions along with three copies and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6222, Silver Spring, MD 20993–0002, 301–796–3602.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product DEXILANT (dexlansoprazole). DEXILANT is indicated for healing of all grades of erosive esophagitis (EE); maintaining healing of EE; and treating heartburn associated with symptomatic nonerosive gastroesophageal reflux disease. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for DEXILANT (U.S. Patent Nos. 6,462,058; 6,664,276, and 6,939,971) from Takeda Pharmaceutical Co., Ltd., and the Patent and Trademark Office requested FDA's assistance in determining these patents' eligibility for patent term restoration and that FDA determine the product's regulatory review period. In a letter dated June 1, 2011, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of DEXILANT represented the first permitted commercial marketing or use of the product.

FDA has determined that the applicable regulatory review period for DEXILANT is 1,675 days. Of this time, 1,278 days occurred during the testing phase of the regulatory review period, while 397 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* July 2, 2004. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 2, 2004.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* December 31, 2007. The applicant claims December 28, 2007, as the date the new drug application (NDA) for DEXILANT (NDA 22–287) was initially submitted. However, FDA records indicate that NDA 22–287 was submitted on December 31, 2007.

3. *The date the application was approved:* January 30, 2009. FDA has verified the applicant's claim that NDA 22–287 was approved on January 30, 2009.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 822 or 959 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by August 22, 2011. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by December 20, 2011. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written petitions. It is only necessary to send one set of comments. It is no longer necessary to send three copies of mailed comments. However, if you submit a written petition, you must submit three copies of the petition. Identify comments with the docket number found in brackets in the heading of this document.

Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 2, 2011.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 2011–15692 Filed 6–22–11; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Pathologic Protein.

Date: July 14, 2011.

Time: 11 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892. (Telephone Conference Call.)

Contact Person: Alicja L. Markowska, PhD, DSC, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–496–9666, *markowsa@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel; Study of Biological Changes Related to Aging.

Date: July 15, 2011.

Time: 9 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892. (Telephone Conference Call.)

Contact Person: Bita Nakhai, PhD, Scientific Review Officer, Scientific Review Branch, National Institute on Aging, Gateway Bldg., 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20814, 301–402–7701, *nakhaib@nia.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 17, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15712 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel, DAP R–25.

Date: July 14, 2011.

Time: 2 to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NHGRI, 5635 Fishers Lane, 3rd Floor Conference Room, Rockville, MD 20852.

Contact Person: Keith McKenney, PhD, Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: June 17, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15718 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Advisory Council on Alcohol Abuse and Alcoholism and National Advisory Council on Drug Abuse; Notice of Joint Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a joint meeting of the National Advisory Council on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism and National Advisory Council on Drug Abuse.

Date: September 12, 2011.

Open: September 12, 2011, 10 a.m. to 3 p.m.

Agenda: NIH Director's report on the new institute on substance use, abuse and addiction and discussion with the NIH Director and Members of NIDA and NIAAA Councils.

Place: National Institutes of Health, 1 Center Drive, Wilson Hall, Bethesda, MD 20892.

Contact Person: Abraham Bautista, PhD, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, RM 2085, Rockville, MD 20892, 301–443–9737, *bautista@mail.nih.gov.*

Teresa Levitin, PhD, Office of Extramural Affairs, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, RM 2085, Rockville, MD 20852, 301–443–2755, *tlevitin@nida.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to a Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information will also be available on the Institute's/Center's home pages: *http://www.niaaa.nih.gov/AboutNIAAA/AdvisoryCouncil/Pages/default.aspx* and *http://www.drugabuse.gov/about/organization/nacda/NACDAHome.html* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research

and Research Support Awards, National Institutes of Health, HHS)

Dated: June 16, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15720 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Health and Behavior.

Date: July 11, 2011.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call.)

Contact Person: Martha M. Faraday, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892. 301–435–3575. *faradaym@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Oral, Dental and Craniofacial Sciences.

Date: July 13–14, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting.)

Contact Person: Yi-Hsin Liu, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892. 301–435–1781. *liuyh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Risk, Prevention and Intervention for Addictions.

Date: July 20, 2011.

Time: 1 p.m. to 1:50 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call.)

Contact Person: Claire E. Gutkin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3106, MSC 7808, Bethesda, MD 20892. 301–594–3139. *gutkincl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Risk, Prevention and Intervention for Addictions.

Date: July 20, 2011.

Time: 1:50 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call.)

Contact Person: Claire E. Gutkin, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3106, MSC 7808, Bethesda, MD 20892. 301–594–3139. *gutkincl@csr.nih.gov.*

(Catalog of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 17, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15727 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Liver Disease and Transplantation Ancillary Studies.

Date: July 18, 2011.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Rushing, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Urinary Tract Dysfunction P01.

Date: July 20, 2011.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Rushing, PhD, Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 17, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15726 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, R34/T32 HIV and AIDS Applications.

Date: July 13, 2011.

Time: 12 to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Rebecca C. Steiner, PhD, Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: June 16, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15725 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Musculoskeletal.

Date: July 11–12, 2011.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Aruna K Behera, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Bone Biology.

Date: July 11, 2011.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Baljit S Moonga, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301–435–1777, *moongabs@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Hematology.

Date: July 15, 2011.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rajiv Kumar, PhD, Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Bone-Orthopedics.

Date: July 20, 2011.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Baljit S Moonga, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301–435–1777, *moongabs@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 17, 2011.

Jennifer S. Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15717 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, MBRS Score.

Date: July 18–19, 2011.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Saraswathy Seetharam, PhD, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12C, Bethesda, MD 20892, 301–594–2763, *seetharams@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: June 17, 2011.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2011–15711 Filed 6–22–11; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–1976–DR; Docket ID FEMA–2011–0001]

Kentucky; Amendment No. 10 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Kentucky (FEMA–1976–DR), dated May 4, 2011, and related determinations.

DATES: *Effective Date:* June 10, 2011.

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3886.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Kentucky is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 4, 2011.

Carroll, Fulton, and Johnson Counties for Individual Assistance (already designated for Public Assistance, including direct Federal assistance).

Carlisle County for Individual Assistance and Public Assistance (already designated for emergency protective measures [Category B], limited to direct Federal assistance, under the Public Assistance program).

Breathitt County for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2011–15734 Filed 6–22–11; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Open Teleconference Federal Advisory Committee Meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet by teleconference on July 12, 2011. The meeting will be open to the public.

DATES: The teleconference will take place Tuesday, July 12, 2011, from 1 p.m. to 3:30 p.m. EST. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to obtain the call-in number, access code, and other information for the public teleconference may contact Ruth MacPhail as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business July 8, 2011, as the number of teleconference lines is limited and available on a first-come, first served basis. For information on services for individuals with disabilities or to request special assistance, contact Ruth MacPhail as soon as possible.

Members of the public may also participate by coming to the National Emergency Training Center, Building H, Room 300, Emmitsburg, Maryland. A picture identification is needed for access. Contact Ruth MacPhail as listed in the **FOR FURTHER INFORMATION CONTACT** for directions.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Comments must be submitted in writing no later than July 8, 2011 and must be identified by docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: FEMA–RULES@dhs.gov.* Include the docket ID in the subject line of the message.
- *Fax:* 703–483–2999.
- *Mail:* Ruth MacPhail, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Instructions: All submissions received must include the docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the Board, go to *http://www.regulations.gov.*

A public comment period will be held during the meeting on July 12, 2011, from 2:30 p.m. to 3 p.m. EST, and speakers will be afforded 5 minutes to make comments. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker.

FOR FURTHER INFORMATION CONTACT: Ruth MacPhail, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, telephone (301) 447–1117, fax (301) 447–1173, and e-mail *ruth.macphail@dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463).

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (Academy) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, regarding the operation of the Academy and any improvements therein that the Board deems appropriate. The Board makes interim advisories to the Administrator of FEMA, through the United States Fire Administrator, whenever there is an indicated urgency to do so in fulfilling its duties. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions which are approved by the Administrator of FEMA, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits an annual report through the United States Fire Administrator to the Administrator of FEMA, in writing. The report provides detailed comments and recommendations regarding the operation of the Academy.

Agenda

The Board will review Academy program activities, including procedural changes for off-campus deliveries, the FEMA Flood Surge Training Report, introduce the *Residential Sprinkler Plan Review* course curriculum to State Fire

Training partners, unfunded course development requests, introduce a new mechanism for receiving current training deficiencies as a means to guide future course development, discuss State training grants and implications of budget funding received late in the fiscal year, and discuss options for classroom technical coordination with other campus offices. The Board will discuss the status of deferred maintenance and capital improvements on the National Emergency Training Center (NETC) campus, the FY 2011 Budget Request/FY 2012 Budget Planning, new Geo-Thermal challenges, and emergency preparedness of students on campus. The Board will review and consider reports from the Applicant Outreach Subcommittee, Emergency Medical Services Subcommittee, Fire and Emergency Services Higher Education (FESHE)/Professional Development Subcommittee, and Training Resources and Data Exchange (TRADE) Review Subcommittee. After discussion of these topics, there will be a public comment period. After deliberation, the Board will recommend action to the Superintendent of the National Fire Academy and the Administrator of FEMA.

Dated: June 17, 2011.

Kirby E. Kiefer,

Deputy Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2011–15728 Filed 6–22–11; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2011–N127; 96300–1671–0000–P5]

Endangered Species; Marine Mammals; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibits activities with listed species unless a Federal permit is issued that allows such activities. Both laws require that we invite public comment before issuing these permits.

DATES: We must receive comments or requests for documents on or before July 25, 2011. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by July 25, 2011.

ADDRESSES: Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or e-mail *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (e-mail).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How Do I Request Copies of Applications or Comment on Submitted Applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an e-mail or address not listed under **ADDRESSES**. If you provide an e-mail address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (*see* **DATES**) or comments delivered to an address other than those listed above (*see* **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, the Endangered Species Act of 1973, section 10(a)(1)(A), as amended (16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR Part 17, the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR Part 18 require that we invite public comment before final action on these permit applications. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

A. Endangered Species

Applicant: Saint Louis Zoo, St. Louis, MO; PRT—42831A

The applicant requests a permit to import biological samples of Galapagos penguin (*Spheniscus mediculus*), Galapagos hawk (*Buteo galapagoensis*) and medium tree finch (*Camarhynchus pauper*) for disease and health evaluation for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Feld Entertainment Inc., Vienna, VA; PRT–37444A

The applicant requests a permit to import for the purpose of enhancement of the species through conservation education, one African leopard (*Panthera pardus*), one Siberian tiger (*Panthera tigris altaica*), and 6 tigers (*Panthera tigris*). The captive-born animals are being imported from Schweiberdingen, Germany in cooperation with Alexander Lacey.

Multiple Applicants

The following applicants each request a permit to import the sport-hunted

trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Michael DeRouen, Beaumont, TX; PRT–37076A

Applicant: Leonard Smith, N. Myrtle Beach, SC; PRT–45363A

B. Endangered Marine Mammals and Marine Mammals

Applicant: Tom Smith, Brigham Young University, Provo, UT; PRT–225854

The applicant requests an amendment to the permit to authorize harassment of polar bears (*Ursus maritimus*) by adjusting the video camera equipment and conducting aerial surveys using FLIR (forward looking infrared) and ground-truth surveys with snowmobiles near dens for the purpose of scientific research. This notification covers activities to be conducted by the applicant over the remainder of the 5-year period of the permit.

Applicant: U.S. Fish and Wildlife Service, Marine Mammals Management, Anchorage, AK; PRT–039386

The applicant requests an amendment and renewal of the permit to take up to 6000 walrus (*Odobenus rosmarus*) annually by biopsy darting and up to 50 walrus annually for tagging; to collect unlimited number of specimens from dead animals; to conduct aerial surveys; and to import unlimited number of biological specimens for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2011–15719 Filed 6–22–11; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Certain Digital Televisions and Components Thereof,* DN 2819; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint filed on behalf of Vizio, Inc. on June 16, 2011. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital televisions and components thereof. The complaint names as respondents Coby Electronics Corp. of Lake Success, NY; Curtis International, Inc. of Etobicoke, ON; ESI Enterprises Inc. of Van Nuys, CA; MStar Semiconductor, Inc. of Taiwan; ON Corp US, Inc. of San Diego, CA; Renesas Electronics Corporation of Japan; Renesas Electronics America, Inc. of Santa Clara, CA; Sceptre, Inc. of City of Industry, CA and Westinghouse Digital, LLC, Orange County, CA.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) Indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders; and

(iv) Indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number (''Docket No. 2819'') in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (*see* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for

public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50(a)(4)).

By order of the Commission.

Issued: June 17, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–15678 Filed 6–22–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Certain Electric Fireplaces, Components Thereof, Certain Processes for Manufacturing or Relating to Same and Certain Products Containing Same,* DN 2821; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint filed on behalf of Twin Star International, Inc. and TS Investment Holding Corp. on June 17, 2011. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electric fireplaces, components thereof, certain processes for manufacturing or relating to same and certain products containing same. The complaint names as respondents Shenzhen Reliap Industrial Co. of Shenzhen, China and Yue Qui Sheng (a.k.a. Jason Yue) of Shenzhen City, China.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) Indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders; and

(iv) Indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number (''Docket No. 2821'') in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50(a)(4)).

By order of the Commission.

Issued: June 17, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–15679 Filed 6–22–11; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Certain Coenzyme Q10 Products and Methods of Making Same,* DN 2822; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the

complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint filed on behalf of Kaneka Corporation on June 17, 2011. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain coenzyme Q10 products and method of making same. The complaint names as respondents Zhejiang Medicine Co., Ltd. of China; ZMC–USA, L.L.C. of The Woodlands, TX; Xiamen Kingdomway Group Company of China; Pacific Rainbow International Inc. of City of Industry, CA; Mitsubishi Gas Chemical Company Inc. of Japan; Maypro Industries, Inc. of Purchase, NY and Shenzhou Biology & Technology Co., Ltd. of China.

The complainant, proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five pages in length, on any public interest issues raised by the complaint. Comments should address whether issuance of an exclusion order and/or a cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the potential orders;

(iii) indicate the extent to which like or directly competitive articles are produced in the United States or are otherwise available in the United States, with respect to the articles potentially subject to the orders; and

(iv) indicate whether Complainant, Complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to an exclusion order and a cease and desist order within a commercially reasonable time.

Written submissions must be filed no later than by close of business, five business days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Submissions should refer to the docket number (''Docket No. 2822'') in a prominent place on the cover page and/or the first page. The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf*). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50(a)(4) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50(a)(4)).

By order of the Commission.

Issued: June 17, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–15680 Filed 6–22–11; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (11–055)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announce a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Friday, July 15, 2011, 10 a.m. to 12 p.m.

ADDRESSES: Goddard Space Flight Center, 8800 Greenbelt Road, Bldg 8, Room N303, Greenbelt, MD 20771–0001

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Dakon, Aerospace Safety Advisory Panel Executive Director, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–0732.

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel will hold its 3rd Quarterly Meeting for 2011. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include: Goddard Space Flight Center Overview, Commercial Crew Update, Safety Metrics Update, and Knowledge Capture Update.

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. Photographs will only be permitted during the first 10 minutes of the meeting. During the first 30 minutes of the meeting, members of the public may make a 5-minute verbal presentation to the Panel on the subject of safety in NASA. To do so, please contact Ms. Susan Burch at *susan.burch@nasa.gov* or by telephone at (202) 358–0550 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel at the time of the meeting. Verbal presentations and written comments should be limited to the subject of safety in NASA. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign

nationals attending this meeting will be required to provide a copy of their passport, visa, or green card in addition to providing the following information no less than 10 working days prior to the meeting: full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizenship can provide identifying information 3 working days in advance by contacting Crystal McCrimmon at 301–286–6296 or email *crystal.d.mccrimmon@nasa.gov.* It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2011–15740 Filed 6–22–11; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting; Notice of Agency Meeting

TIME AND DATE: 1 p.m., Thursday, June 23, 2011.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of Supervisory Activities (2). Closed pursuant to some or all of the following: exemptions (8), (9)(A)(ii) and 9(B).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304

Mary Rupp,

Board Secretary.

[FR Doc. 2011–15792 Filed 6–21–11; 11:15 am]

BILLING CODE P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board's *ad hoc* Committee on Nominations for the NSB Class of 2012—2018, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: Tuesday, June 28th at 3 p.m.–4 p.m., EDT.

OPEN SUBJECT MATTER: Discussion of NSB Member Nomination Review Process.

STATUS: Open (3–3:30 p.m.).

CLOSED SUBJECT MATTER: Review of Personnel.

STATUS: Closed (3:30–4 p.m.).

This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. For the Open portion of the meeting, a room will be available for the public and NSF staff to listen-in on this teleconference meeting. All visitors must contact the Board Office at least one day prior to the meeting to arrange for a visitor's badge and obtain the room number. Call 703–292–7000 to request your badge, which will be ready for pick-up at the visitor's desk on the day of the meeting. All visitors must report to the NSF visitor desk at the 9th and N. Stuart Streets entrance to receive their visitor's badge on the day of the teleconference.

Please refer to the National Science Board Web site (*http://www.nsf.gov/nsb/notices/*) for information or schedule updates, or contact: Kim Silverman, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Ann Ferrante,

Writer-Editor.

[FR Doc. 2011–15783 Filed 6–21–11; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings; Notice

The National Science Board's Committee on Programs and Plans (CPP) Task Force on Unsolicited Mid-Scale Research (MS), pursuant to NSF regulations (45 CFR Part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a teleconference for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: June 28, 4 p.m.–5 p.m. EDT.

SUBJECT MATTER: (1) Discussion of the June 6–7, 2011 workshop emerging themes; (2) Discussion of the data-mining activities; (3) Discussion of the plans for the Web-based research community feedback portal and, (4) Discussion of the future activities of the Task Force.

STATUS: Open.

LOCATION: This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. A public listening room will be available for this teleconference meeting. All visitors must contact the Board Office [call 703–292–7000 or send an e-mail message to *nationalsciencebrd@nsf.gov*] at least 24 hours prior to the teleconference for the public room number. All visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance on the day of the teleconference to receive a visitor's badge.

UPDATES AND POINT OF CONTACT: Please refer to the National Science Board Web site *http://www.nsf.gov/nsb* for additional information and schedule updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/*. Point of contact for this meeting is: Matthew B. Wilson, National Science Board Office, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Ann Ferrante,

Writer-Editor.

[FR Doc. 2011–15782 Filed 6–21–11; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

SUPPLEMENTARY INFORMATION: On April 13, 2011, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on June

17, 2011 to: Paul Ponganis, Permit No. 2012–001.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 2011–15673 Filed 6–22–11; 8:45 am]

BILLING CODE 7555–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549.

Extension:

Rule 17Ab2–1, Form CA–1; SEC File No. 270–203; OMB Control No. 3235–0195.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension of the previously approved collection of information provided for in Rule 17Ab2–1 (17 CFR 240.17Ab2–1) and Form CA–1: Registration of Clearing Agencies (17 CFR 249b.200) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 17Ab2–1 and Form CA–1 require clearing agencies to register with the Commission and to meet certain requirements with regard to, among other things, a clearing agency's organization, capacities, and rules. The information is collected from the clearing agency upon the initial application for registration on Form CA–1. Thereafter, information is collected by amendment to the initial Form CA–1 when material changes in circumstances necessitate modification of the information previously provided to the Commission.

The Commission uses the information disclosed on Form CA–1 to (i) Determine whether an applicant meets the standards for registration set forth in Section 17A of the Securities Exchange Act of 1934 (''Exchange Act''), (ii) enforce compliance with the Exchange Act's registration requirement, and (iii) provide information about specific registered clearing agencies for compliance and investigatory purposes. Without Rule 17Ab2–1, the Commission could not perform these duties as statutorily required.

The Commission staff estimates that each initial Form CA–1 requires approximately 130 hours to complete and submit for approval. This burden is composed primarily of a one-time reporting burden that reflects the applicant's staff time (*i.e.* internal labor costs) to prepare and submit the Form to the Commission. Hours required for amendments to Form CA–1 that must be submitted to the Commission in connection with material changes to the initial CA–1 can vary, depending upon the nature and extent of the amendment. Since the Commission only receives an average of one submission per year, the aggregate annual burden associated with compliance with Rule 17Ab2–1 and Form CA–1 is 130 hours. The main cost to respondents is associated with generating, maintaining, and providing the information sought by Form CA–1. The external costs associated with such activities include fees charged by outside lawyers and accountants to assist the registrant collect and prepare the information sought by the form (though such consultations are not required by the Commission) and are estimated to be approximately $18,000. The rule and form do not involve the collection of confidential information.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Background documentation for this information collection may be viewed at the following link, *http://www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an e-mail to: *Shagufta_Ahmed@omb.eop.gov*; and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 20, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–15730 Filed 6–22–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549.

Extension:

Rule 17f–2(c); SEC File No. 270–35; OMB Control No. 3235–0029.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval for the Rule 17f–2(c) (17 CFR 240.17f–2(c)).

Rule 17f–2(c) allows persons required to be fingerprinted pursuant to Section 17(f)(2) of the Securities Exchange Act of 1934 to submit their fingerprints through a registered securities exchange or a national securities association in accordance with a plan submitted to and approved by the Commission. Plans have been approved for the American, Boston, Chicago, New York, Pacific, and Philadelphia stock exchanges and for the Financial Industry Regulatory Authority (''FINRA'') and the Chicago Board Options Exchange. Currently, FINRA accounts for the bulk of the fingerprint submissions.

It is estimated that 4,939 respondents submit approximately 288,000 sets of fingerprints (consisting of 133,000 electronic fingerprints and 155,000 fingerprint cards) to exchanges or a national securities association on an annual basis. The Commission estimates that it would take approximately 15 minutes to create and submit each fingerprint card. The total reporting burden is therefore estimated to be 72,000 hours, or approximately 15 hours per respondent, annually. In addition, the exchanges and FINRA charge an estimated $30.25 fee for processing fingerprint cards, resulting in a total annual cost to all 4,939 respondents of $8,712,000, or $1,764 per respondent per year.

Because the Federal Bureau of Investigation will not accept fingerprint cards directly from submitting organizations, Commission approval of plans from certain exchanges and national securities associations is essential to the Congressional goal of fingerprint personnel in the security

industry. The filing of these plans for review assures users and their personnel that fingerprint cards will be handled responsibly and with due care for confidentiality.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to PRA that does not display a valid Office of Management and Budget (OMB) number.

Please direct your written comments to Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: June 17, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–15665 Filed 6–22–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon written request, copies available from: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 15g–9; SEC File No. 270–325; OMB Control No. 3235–0385.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comment on the collection of information described below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 15(c)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the ''Exchange Act'') authorizes the Commission to promulgate rules that prescribe means reasonably designed to prevent fraudulent, deceptive, or manipulative practices in connection with over-the-counter (''OTC'') securities transactions. Pursuant to this authority, the Commission in 1989 adopted Rule 15a–6 which was subsequently redesignated as Rule 15g–9, 17 CFR 240.15g–9 (the ''Rule''). The Rule requires broker-dealers to produce a written suitability determination for, and to obtain a written customer agreement to, certain recommended transactions in penny stocks that are not registered on a national securities exchange, and whose issuers do not meet certain minimum financial standards. The Rule is intended to prevent the indiscriminate use by broker-dealers of fraudulent, high pressure telephone sales campaigns to sell penny stocks to unsophisticated customers.

The Commission staff estimates that there are approximately 253 broker-dealers subject to the Rule. The burden of the Rule on a respondent varies widely depending on the frequency with which new customers are solicited. On the average for all respondents, the staff has estimated that respondents process three new customers per week, or approximately 156 new customer suitability determinations per year. We also estimate that a broker-dealer would expend approximately one-half hour per new customer in obtaining, reviewing, and processing (including transmitting to the customer) the information required by Rule 15g–9, and each respondent would consequently spend 78 hours annually (156 customers × .5 hours) obtaining the information required in the rule. We determined, based on the estimate of 253 broker-dealer respondents, that the current annual burden of Rule 15g–9 is 19,734 hours (253 respondents × 78 hours).

In addition, we estimate that if tangible communications alone are used to transmit the documents required by Rule 15g–9, each customer should take: (1) No more than eight minutes to review, sign and return the suitability determination document; and (2) no more than two minutes to either read and return or produce the customer agreement for a particular recommended transaction in penny stocks, listing the issuer and number of shares of the particular penny stock to be purchased, and send it to the broker-dealer. Thus, the total current customer respondent burden is approximately 10 minutes per response, for an aggregate total of 1,560 minutes for each broker-dealer respondent. Since there are 253 respondents, the annual burden for customer responses is 394,680 minutes (1,560 customer minutes per each of the 253 respondents) or 6,578 hours.

In addition, we estimate that, if tangible means of communications alone are used, broker-dealers could incur a burden under Rule 15g–9 of approximately two minutes per response. Since there are approximately 253 broker-dealer respondents and each respondent would have approximately 156 responses annually, respondents would incur an aggregate burden of 78,936 minutes (253 respondents × 156 responses × 2 minutes per response), or 1,315 hours. Accordingly, the aggregate annual hour burden associated with Rule 15g–9 is 27,627 hours (19,734 hours to prepare the suitability statement and agreement + 6,578 hours for customer review + 1,315 hours for processing).

We recognize that under the amendments to Rule 15g–9, the burden hours may be slightly reduced if the transaction agreement required under the rule is provided through electronic means such as an e-mail from the customer to the broker-dealer (*e.g.,* the customer may take only one minute, instead of the two minutes estimated above, to provide the transaction agreement by e-mail rather than regular mail). If each of the customer respondents estimated above communicates with his or her broker-dealer electronically, the total burden hours on the customers would be reduced from 10 minutes to 9 minutes per response, or an aggregate total of 1,404 minutes per respondent (156 customers × 9 minutes for each customer). Since there are 253 respondents, the annual customer respondent burden, if electronic communications were used by all customers, would be approximately 355,212 minutes (253 respondents × 1,404 minutes per each respondent), or 5,920 hours. We do not believe the hour burden on broker-dealers in obtaining, reviewing, and processing the suitability determination would change through use of electronic communications. In addition, we do not believe that, based on information currently available to us, recordkeeping burdens under Rule 15g–9 would change where the required documents were sent or received through means of electronic communication. Thus, if all broker-dealer respondents obtain and send the documents required under the rule electronically, the aggregate annual hour

burden associated with Rule 15g–9 would be 26,969 hours (19,734 hours to prepare the suitability statement and agreement + 5,920 hours for customer review + 1,315 hours for processing).

We cannot estimate how many broker-dealers and customers will choose to communicate electronically. If we assume that 50 percent of respondents would continue to provide documents and obtain signatures in tangible form, and 50 percent would choose to communicate electronically in satisfaction of the requirements of Rule 15g–9, the total aggregate hour burden would be 27,297 burden hours ((27,627 aggregate burden hours for documents and signatures in tangible form × 0.50 of the respondents = 13,813 hours) + (26,969 aggregate burden hours for electronically signed and transmitted documents × 0.50 of the respondents = 13,484 hours)). We estimate that 50% of the burden associated with Rule 15g–9 is a recordkeeping type of burden, and the remaining 50% of the burden is a third party disclosure type of burden.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Please direct your written comments to: Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, Virginia 22312; or comments may be sent by e-mail to: *PRA_Mailbox@sec.gov.*

Dated: June 17, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–15664 Filed 6–22–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Form 8–A; OMB Control No. 3235–0056; SEC File No. 270–54.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 8–A (17 CFR 249.208a) is a registration statement use to register a class of securities under Sections 12(b) and 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(b) and 78*l*(g)) (''Exchange Act''). Section 12(a) (15 U.S.C. 78*l*(a)) of the Exchange Act requires securities traded on a national exchange to be registered under the Exchange Act (15 U.S.C. 78a *et seq.*). Exchange Act Section 12(b) establishes the registration procedures. Section 12(g) and Rule 12g–1 (17 CFR 240.12g–1) under the Exchange Act requires issuers engaged in interstate commerce or in a business affecting interstate commerce, that has total assets of $10,000,000 or more, and a class of equity security held or record by 500 or more persons to register that class of security. Form 8–A takes approximately 3 hours to prepare and is filed by approximately 1,170 respondents for a total of 3,510 annual burden hours.

Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: June 16, 2011.

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–15666 Filed 6–22–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Federal Register Citation of Previous Announcement: [76 FR 34277, June 13, 2011].

STATUS: Open meeting.

PLACE: 100 F Street, NE., Washington, DC.

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: Wednesday, June 22, 2011 at 10 a.m.

CHANGE IN THE MEETING: Time change.

The Open Meeting scheduled for Wednesday, June 22, 2011 10 a.m. has been changed to Wednesday, June 22, 2011 at 11 a.m.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: June 21, 2011.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–15824 Filed 6–21–11; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64695; File No. SR–Phlx–2011–58]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Order Granting Approval of Proposed Rule Change To Increase the Position Limit for Options on the Standard and Poor's® Depositary Receipts (SPDRs®)

June 17, 2011.

I. Introduction

On April 18, 2011, NASDAQ OMX PHLX LLC (''Exchange'' or ''Phlx'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to increase the position and exercise limits for options on Standard and Poor's Depositary Receipts (''SPDRs®'' or ''SPY''). The proposed rule change was published for comment in the **Federal Register** on May 3, 2011.[3] The Commission received one comment letter in response to the proposal.[4] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to amend Phlx Rule 1001 to increase the position limit applicable to options on SPDRs®, which trade under the symbol SPY, from 300,000 to 900,000 contracts on the same side of the market. The Exchange notes that options on Nasdaq-100 Index® Tracking Stock (''QQQ℠'') [5]—to which, Phlx believes, SPY options are most comparable for these purposes—have a position limit of 900,000 contracts.

In particular, Phlx represents that options on SPY traded a total of 33,341,698 contracts across all exchanges from March 1, 2011 through March 16, 2011. In contrast, over the same time period options on the QQQ traded a total of 8,730,718 contracts (less than 26.2% of the volume of options on SPY.) The Phlx further represents that, for 2010, options on SPY had an average daily trading volume of 3.63 million contracts, while options on QQQs had an average daily trading volume of 963,502. In addition, the option notional value [6] of SPY options on December 31, 2010, was $177,823.76 million, while the optional notional value of QQQ options on the same date was $27,141.91 million.

With regard to the underlying ETFs, Phlx represents that, for 2010, the SPY had an average daily trading volume of 210,232,241 shares with an average dollar volume of $20,794 million, while the QQQ had an average daily trading volume of 85,602,200 shares with an average dollar volume of $3,593 million. In addition, the market capitalization of the SPY was $90,280.71 million on December 31, 2010, while the market capitalization of the QQQ on that date was $23,564.8 million.

Phlx argues that the current position limit of 300,000 contracts for SPY options prevents large customers, such as mutual funds and pension funds, from using these options to gain meaningful exposure and hedging protection, which it believes can result in lost liquidity in both the options market and the equity market. In addition, the Exchange believes that increasing the limit to 900,000 contracts would lead to a more liquid and competitive market environment for options on SPDRs® that would benefit customers interested in this product.

Phlx adds that traders who trade SPY options to hedge positions in SPY and in SPX options [7] have indicated that the current position limit is too restrictive, and the Exchange believes that this may adversely affect traders' (and the Exchange's) ability to provide liquidity in this product.

In addition, Phlx states that its reporting requirements[8] and surveillance procedures,[9] as well as the reporting requirements and surveillance procedures other markets and of clearing firms, are capable of properly identifying unusual and/or illegal trading activity.

III. Discussion and Commission's Findings

The Commission received one comment letter on the proposed rule change, from NYSE Euronext, on behalf of the NYSE Amex and NYSE Arca options exchanges.[10] The comment letter supported the proposal, and expressed agreement with several of the statements made by Phlx therein.

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act [11] and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[13] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Position and exercise limits serve as a regulatory tool designed to address manipulative schemes and adverse market impact surrounding the use of options. Since the inception of standardized options trading, the options exchanges have had rules limiting the aggregate number of options contracts that a member or customer may hold or exercise.[14] These position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate the underlying market so as to benefit the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 64348 (April 27, 2011), 76 FR 24951 (''Notice'').

[4] *See* letter from Janet L. McGinness, SVP–Legal & Corporate Secretary, Legal & Government Affairs, NYSE Euronext, to Ms. Elizabeth M. Murphy, Secretary, Commission, dated May 24, 2011 (NYSE Letter). The comment letter was submitted by NYSE Euronext on behalf of its subsidiary options exchanges, NYSE Amex LLC (''NYSE Amex'') and NYSE Arca Inc. (''NYSE Arca'').

[5] QQQ℠, Nasdaq-100®, Nasdaq-100 Index®, Nasdaq®, and Nasdaq-100 Index Tracking Stock℠, are trademarks or service marks of The Nasdaq Stock Market, Inc.

[6] Phlx describes notional value in this instance as the product of OI × Close × 100, where OI is the underlying security's open interest (in contracts) and Close is the closing price of the underlying security on December 31, 2011.

[7] *See also* NYSE Euronext Letter, *supra* note 4, stating that SPX options are considered by many to be economically equivalent to SPY options.

[8] Phlx represents that, as with options on QQQs, each member or member organization of the Exchange that maintains a position in SPY options on the same side of the market, for its own account or for the account of a customer, would be required, pursuant to Phlx Rule 1003, to report certain information, including, but not limited to, the size of the option position, whether the position is hedged, and, if so, a description of the hedge and, if applicable, the collateral used to carry the position. The requirement applies to positions in excess of 10,000 contracts on the same side of the market. In addition, Phlx states, the general reporting requirement for customer accounts that maintain an aggregate position of 200 or more option contracts would remain at this level for SPY options.

[9] The Exchange states that these procedures utilize daily monitoring of market movements via automated surveillance techniques to identify unusual activity in both options and underlying stocks.

[10] *See supra* note 4.

[11] 15 U.S.C. 78f.

[12] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] *See, e.g.,* Securities Exchange Act Release No. 45236 (January 4, 2002), 67 FR 1378 (January 10, 2002) (SR–Amex–2001–42).

options position.[15] In particular, position and exercise limits are designed to minimize the potential for mini-manipulations and for corners or squeezes of the underlying market.[16] In addition, such limits serve to reduce the possibility for disruption of the options market itself, especially in illiquid classes.[17] As discussed below, over time, the Commission has approved options exchanges' proposals to increase these limits for options products overlying certain ETFs where there is considerable liquidity in both the underlying cash markets and the options markets.

The Commission believes that it is reasonable for the Exchange to increase position limits for options on SPY to 900,000 contracts (the same level currently applicable to the QQQ options). As in the case of the markets for QQQ options and for the underlying ETF, the markets for standardized options on SPY and the SPY itself have substantial trading volume and liquidity. Indeed, Phlx cites statistics [18] showing that, while options on SPY and options on QQQ both are in the top ranks of equity options in terms of trading volume, SPY options exceeded QQQ options by a significant margin—both in terms of the total volume traded for a sample period in March of this year, and in terms of average daily volume for the year 2010. Similarly, the Exchange cites statistics regarding the underlying ETFs, showing that SPY exceeded QQQ significantly in average daily trading volume and average dollar volume for the year.

The Commission believes that increasing position limits on the highly liquid SPY options to the same level currently applicable to the QQQ options represents the next step of a measured approach to position limits on these options, which have increased steadily over a number of years to their current levels.[19] Further, the Commission expects that the Exchange will continue to monitor trading in the SPY options for the purpose of discovering and sanctioning manipulative acts and practices, and to reassess the position and exercise limits, if and when appropriate, in light of its findings.[20]

Accordingly, as stated above, given the measure of liquidity for SPY, the Commission believes that increasing position limits in the SPY options to 900,000 contracts is consistent with Section 6(b)(5) of the Act,[21] which requires that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

IV. Conclusion

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (SR–Phlx-2011–58) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–15640 Filed 6–22–11; 8:45 am]

BILLING CODE 8011–01–P

[15] *See, e.g.,* Securities Exchange Act Release No. 47346 (February 11, 2003), 68 FR 8316 (February 20, 2003) (SR–CBOE–2002–26).

[16] *Id.*

[17] *Id.*

[18] *See supra* Section II.

[19] The Commission's incremental approach to approving changes in position and exercise limits is well-established. Equity option position limits have been gradually expanded from 1,000 in 1973 to maximum levels of 250,000 contracts for most of the largest and most actively-traded standardized equity options, with higher limits allowed for certain ETF options—QQQ (900,000), SPY (300,000), IWM (500,000) and DIA (300,000). In 1999, the Commission approved exchange proposals to raise position and exercise limits on standardized equity options to a range of between 13,500 and 75,000 contracts. *See* Securities Exchange Act Release No. 40875 (December 31, 1998), 64 FR 1842 (January 12, 1999) (SR–CBOE–98–25; SR–Amex–98–22; SR–PCX–98–33; SR–Phlx–98–36). In 2003, the Commission approved an increase in the position and exercise limits for options on DIA to the current 300,000 contracts. *See* Securities Exchange Act Release Nos. 47346 (February 11, 2003), 68 FR 8316 (February 20, 2003) (SR–CBOE–2002–26) and 57852 (May 22, 2008), 73 FR 31162 (May 30, 2008) (SR–Amex–2008–41). Similarly, in 2005, the Commission approved an increase in the position and exercise limits for options on SPY to 300,000 contracts. *See* Securities Exchange Act Release Nos. 51041 (January 14, 2005), 70 FR 3408 (January 24, 2005) (SR–CBOE–2005–06) and 51043 (January 14, 2005), 70 FR 3402 (January 24, 2005) (SR–Amex–2005–06). Since 2001, the Commission has twice approved increases in position and exercise limits for options on QQQ. Initially, the Commission approved an increase to 300,000 contracts, and later, pursuant to a pilot program that commenced in March 2005 and was adopted by all of the options exchanges, increased position and exercise limits for options on the QQQQ to the current 900,000. *See* Securities Exchange Act Release Nos. 45309 (January 18, 2002), 67 FR 3757 (January 25, 2002) (SR–CBOE–2001–44) and 45236 (January 4, 2002), 67 FR 1378 (January 10, 2002) (SR–Amex–2001–42). Another pilot program, which commenced in 2007 and was adopted by all of the options exchanges, increased the position and exercise limits for IWM options to the current 500,000 contracts. Both of these pilots, which also raised standardized equity option position limits to the current range of between 25,000 and 250,000 contracts, were permanently approved by the Commission in 2008. *See* Securities Exchange Act Release Nos. 57352 (February 19, 2008), 73 FR 10076 (February 25, 2008) (SR–CBOE–2008–07) and 57415 (March 3, 2008), 73 FR 12479 (March 7, 2008) (SR–Amex–2008–16).

[20] Phlx states that its reporting requirements and surveillance procedures, as well as the reporting requirements and surveillance procedures other markets and of clearing firms, are capable of properly identifying unusual and/or illegal trading activity.

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78s(b)(1).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64697; File No. SR–OCC–2011–07]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Provide an Interpretation to Rule 401 To Allow Clearing Members To Use OCC Systems To Update Certain Non-critical Trade Data With Respect to Exchange Transactions Involving Securities Options

June 17, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on June 7, 2011, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared primarily by OCC. OCC filed the proposal pursuant to Section 19(b)(3)(A)(iii) of the Act [2] and Rule 19b–4(f)(4) [3] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will provide an interpretation to Rule 401 to allow clearing members to use OCC systems to update certain non-critical trade data with respect to exchange transactions involving securities options provided such updates do not contravene any rule of the exchange on which such transactions were effected.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78s(b)(3)(A)(iii).

[3] 17 CFR 240.19b–4(f)(4).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this proposed rule change is to provide an interpretation to Rule 401 to allow clearing members to use OCC systems to update certain non-critical trade data with respect to exchange transactions involving securities options provided such updates do not contravene any rule of the exchange on which such transactions were effected. Examples of non-critical option trade data that would eligible for updating by clearing members include: open/close indicators, account type, account numbers, Clearing Member Trade Assignment clearing member numbers, and optional data field remarks.

Rule 401 concerns the reporting of matching trade information by exchanges to OCC. An interpretation to Rule 401 allows clearing members to use OCC systems to update certain non-critical trade data with respect to exchange transactions involving futures provided such updates do not contravene any rule of the exchange on which such transaction was effected. Clearing members recently have asked that OCC expand this to cover options transactions. The request was processed through the OCC Roundtable, an advisory group comprised of clearing members, options exchanges, and service bureaus, which assesses operational improvements that may be implemented at OCC to increase efficiencies and lower costs to industry participants.

As in exchange transactions involving futures, OCC's systems would be configured to ''bust'' the submitted trade and to add a new trade that includes the change. This provides an audit trail for OCC and the affected exchange. OCC also would provide functionality to allow an exchange to prevent such updates from happening at OCC for trades executed on its market.

To accommodate this request, a minor change will be made to Interpretation and Policy .02 to Rule 401. The change will allow clearing members to use OCC's systems to update non-critical trade information with respect to all exchange transactions involving securities options with the restriction that such updates may not be in contravention of any rule of the exchange on which the transaction was effected. The proposed rule change is not inconsistent with the By-Laws and Rules of OCC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not been solicited or received. OCC will notify the Commission of any written comments received by OCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(iii) of the Act[5] and Rule 19b–4(f)(4)[6] thereunder because the proposed rule change affects a change in an existing service of OCC that: (i) does not adversely affect the safeguarding of securities or funds within the custody or control of OCC or for which OCC is responsible; and (ii) does not significantly affect the respective rights or obligations of clearing members which would use the service or of OCC. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–OCC–2011–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2011–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.optionsclearing.com/components/docs/legal/rules_and_bylaws/sr_occ_11_07.pdf.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–OCC–2011–07 and should be submitted on or before July 14, 2011.

[4] The Commission has modified the text of the summaries prepared by OCC.

[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b–4(f)(4).

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[7]

Cathy H. Ahn,

Deputy Secretary .

[FR Doc. 2011–15659 Filed 6–22–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64699; File No. SR–CBOE–2011–056]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt the Selection Specifications and Content Outline for the Proprietary Traders Examination Program (Series 56)

June 17, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 16, 2011, Chicago Board Options Exchange, Incorporated (''CBOE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] the Exchange is filing with the Commission the content outline and selection specifications for the Proprietary Traders Qualification Examination (''Series 56'') program. CBOE is not proposing any textual changes to the Rules of CBOE. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/legal*), at the Exchange's Office of the Secretary and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, Proposed Rule Change

1. Purpose

Pursuant to Rule 15b7–1,[2] promulgated under the Exchange Act,[3] ''No registered broker or dealer shall effect any transaction in * * * any security unless any natural person associated with such broker or dealer who effects or is involved in effecting such transaction is registered or approved in accordance with the standards of training, experience, competence, and other qualification standards * * * established by the rules of any national securities exchange * * *'' CBOE Rule 3.6A sets forth the requirements for registration and qualification of individual Trading Permit Holders and individual associated persons. Specifically, CBOE Rule 3.6A provides that individual Trading Permit Holders and individual associated persons that are ''engaged or to be engaged in the securities business of a Trading Permit Holder or TPH organization shall be registered with the Exchange in the category of registration appropriate to the function to be performed as prescribed by the Exchange.'' Further, Rule 3.6A requires, among other things, that an individual Trading Permit Holder or individual associated person submit an application for registration and pass the appropriate qualification examination before the registration can become effective.

In accordance with Interpretation and Policy .06 to Rule 3.6A, those individuals shall be considered to be ''engaged in the securities business of a Trading Permit Holder or TPH organization'' and subject to the registration requirements and successful completion of Series 56 if (i) the individual Trading Permit Holder or associated person conducts proprietary trading, acts as a market-maker, effects transactions on behalf of a broker-dealer account, supervises or monitors proprietary trading, market-making or brokerage activities on behalf of the broker-dealer, supervises or conducts training for those engaged in proprietary trading, market-making or brokerage activities on behalf of a broker-dealer account; or (ii) the individual Trading Permit Holder or associated person engages in the management of any individual Trading Permit Holder or individual associated person identified in (i) above as an officer, partner or director.[4]

The Series 56 examination tests a candidate's knowledge of proprietary trading generally and the industry rules applicable to trading of equity securities and listed options contracts. The Series 56 examination covers, among other things, recordkeeping and recording requirements, types and characteristics of securities and investments, trading practices and display execution and trading systems. While the examination is primarily dedicated to topics related to proprietary trading, the Series 56 examination also covers a few general concepts relating to customers.[5]

The Series 56 examination program is shared by CBOE and the following Self-Regulatory Organizations (''SROs''): Boston Options Exchange; C2 Options Exchange, Incorporated; Chicago Stock Exchange, Incorporated; International Securities Exchange, LLC; NASDAQ OMX, BX; NASDAQ OMX, PHLX; NASDAQ Stock Market LLC; National Stock Exchange, Incorporated; New York Stock Exchange, LLC; NYSE AMEX, Incorporated; and NYSE ARCA, Incorporated.

Upon request by the SROs referenced above, FINRA staff convened a committee of industry representatives, CBOE staff and staff from the other SROs referenced above, to develop the criteria for the Series 56 examination program. As a result, CBOE is proposing to set forth the content of the examination. The qualification examination consists of 100 multiple choice questions. Candidates will have 150 minutes to complete the exam. The content outline describes the following topical sections comprising the examination: Personnel, Business Conduct and Recordkeeping and Reporting Requirements, 9 questions; Markets, Market Participants, Exchanges, and Self Regulatory Organizations, 8 questions; Types and Characteristics of Securities and Investments, 20 questions; Trading Practices and Prohibited Acts, 50

[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 C.F.R. [sic] 240.15b7–1.

[3] 15 U.S.C. 78a *et seq.*

[4] In accordance with Rule 3.6A, an individual Trading Permit Holder or individual associated person that is engaged in the supervision or monitoring of proprietary trading, market-making or brokerage activities and/or that is engaged in the supervision or training of those engaged in proprietary trading, market-making or brokerage activities with respect to those activities will be subject to heightened qualification requirements, as prescribed by the Exchange.

[5] The Commission notes that proprietary trading firms do not have customers.

questions; and Display, Execution and Trading Systems, 13 questions. Representatives from the applicable self-regulatory organizations shall meet on a periodic basis to evaluate and, as necessary, update, the Series 56 examination program.

CBOE understands that the other applicable SROs will also file with the Commission similar filings regarding the Series 56 examination program. CBOE proposes to implement the Series 56 examination program upon availability in WebCRD. The Exchange shall announce all relevant dates with respect to the Series 56 examination program through a Regulatory Circular. The selection specifications for the Series 56 examination, which CBOE has submitted under separate cover to the Commission with a request for confidential treatment pursuant to the Commission's confidential treatment procedures under the Freedom of Information Act,[6] describe additional confidential information regarding the examination.

As noted in Item 2 of this filing, CBOE is filing the proposed rule change for immediate effectiveness. CBOE will announce the implementation date of the proposed rule change in a Regulatory Circular. The implementation date of the proposed rule change will coincide with a new release of the WebCRD.[7]

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(1)[9] of the Act in particular, in that it is designed to enforce compliance by Exchange members and persons associated with its members with the rules of the Exchange. The Exchange also believes the proposed rule change furthers the objectives of Section 6(c)(3)[10] of the Act, which authorizes CBOE to prescribe standards of training, experience and competence for persons associated with CBOE members, in that this filing comprises the content outline and relevant specifications for the Series 56 examination program. CBOE believes the Series 56 examination program establishes the appropriate qualifications for an individual Trading Permit Holder and individual associated person that is required to register as a Proprietary Trader under Exchange Rule 3.6A, including, but not limited to, Market-Makers, proprietary traders and individuals effecting transactions on behalf of other broker-dealers. The Series 56 addresses industry topics that establish the foundation for the regulatory and procedural knowledge necessary for individuals required to register as a Proprietary Trader. CBOE will continue to educate its Trading Permit Holders and nominees of requirements that are unique to CBOE through its Trading Permit Holder orientation program.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule does not (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12]

The Commission believes it is consistent with the protection of investors and the public interest to waive the 30-day operative delay. The Series 56 exam will be available as of June 20, 2011, so waiver of the 30-day operative delay will enable associated persons of CBOE firms to take the exam as soon as it becomes available. For these reasons, the Commission hereby waives the 30-day operative delay.[13]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2011–056 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

All submissions should refer to File Number SR–CBOE–2011–056. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and

[6] 17 C.F.R. [sic] 200.83.

[7] *See* Securities Exchange Act Release No. 63314 (November 12, 2010), 75 FR 70957 (November 19, 2010) (SR–CBOE–2010–084).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(1).

[10] 15 U.S.C. 78f(c)(3).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 C.F.R. [sic] 240.19b–4(f)(6).

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

copying at the principal office of CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2011–056 and should be submitted on or before July 14, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–15670 Filed 6–22–11; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64700; File No. SR–NASDAQ–2010–134]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Disapproving Proposed Rule Change To Adopt Additional Criteria for Listing Companies That Have Indicated Their Business Plan Is To Buy and Hold Commodities

June 17, 2011.

I. Introduction

On October 15, 2010, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt additional criteria for listing companies that have indicated their business plan is to buy and hold commodities. The proposed rule change was published for comment in the **Federal Register** on November 3, 2010.[3] On December 9, 2010, the Commission extended the time period in which to either approve the proposed rule change or to institute proceedings to determine whether to disapprove the proposed rule change, to February 1, 2011.[4] The Commission received one comment letter on the proposal.[5] On January 31, 2011, the Commission issued an order instituting proceedings to determine whether to disapprove the proposed rule change (''Order Instituting Disapproval Proceedings'').[6] The Commission received no comments on the proceedings to determine whether to disapprove the proposed rule change, and Nasdaq did not provide a response to the Commission's grounds for disapproval under consideration as set forth in the Order Instituting Disapproval Proceedings. On April 8, 2011, the Commission extended the time period for Commission action on the proceedings to determine whether to disapprove the proposed rule change, to July 1, 2011.[7] This order disapproves the proposed rule change.

II. Description of the Proposal

The Exchange proposes to adopt additional listing standards for companies that have indicated that their business plan is to purchase and stockpile raw materials or other commodities (''commodity stockpiling companies''). Under the proposal, such companies are required to meet all other applicable Nasdaq initial listing requirements, as well as the following additional listing standards. First, within 18 months of the effectiveness of its initial public offering registration statement, or such shorter period as the company specifies in the registration statement, the company would be required to invest at least 85% of the net proceeds of the initial public offering in the raw material or commodity identified in the registration statement, or return the unused amount pro rata to its shareholders.[8]

Second, the company would be required to publish, or facilitate access to, at no cost and in an easily accessible manner, regular pricing information regarding the raw material or other commodity from a reliable, independent source, at least as frequently as current industry practice but no less than twice per week.[9]

Third, the company would be required to publish its net market value on a daily basis, or where pricing information for the raw material or other commodity is not available on a daily basis, no less frequently than twice per week.[10] If the spot price of the raw material or commodity fluctuates by more than 5%, the company shall publish the net market value within one business day of the fluctuation.

Fourth, the company would be required to publish the quantity of the raw material or other commodity held in inventory, the average price paid, and the company's net market value within two business days of any change in inventory held.[11] Where the company contracts to purchase or sell a material quantity of the raw material or commodity, such information would be required to be disclosed in a Form 8–K filing within four business days.

Fifth, the company would be required to employ the services of one or more independent third party storage facilities to safeguard the physical holdings of the raw material or commodity.[12] Finally, the company would be required to create a committee comprised solely of independent directors who shall consider, at least quarterly, whether the company's purchasing activities have had a measurable impact on the market price of the raw material or other commodity and shall report such determinations and make subsequent recommendations to the company's board of directors.[13]

Nasdaq also is proposing to adopt additional audit committee requirements applicable to commodity stockpiling companies. In addition to the existing audit committee requirements in Nasdaq rules, audit committees for commodity stockpiling companies would be required to establish procedures for the identification and management of potential conflicts of interest, and would be required to review and approve any transactions where such

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 63207 (October 28, 2010), 75 FR 67788.

[4] *See* Securities Exchange Act Release No. 63508 (December 9, 2010), 75 FR 78300 (December 15, 2010).

[5] *See* Letter from Edward H. Smith, Jr. to Florence E. Harmon, Deputy Secretary, Commission, dated January 18, 2011.

[6] *See* Securities Exchange Act Release No. 63804 (January 31, 2011), 76 FR 6506 (February 4, 2011).

[7] *See* Securities Exchange Act Release No. 64259 (April 8, 2011), 76 FR 20760 (April 13, 2011).

[8] *See* proposed Nasdaq IM–5101–3(a).

[9] *See* proposed Nasdaq IM–5101–3(b).

[10] *See* proposed Nasdaq IM–5101–3(d). Net market value would be determined by multiplying the volume of the raw material or commodity held in inventory by the last spot price published or otherwise relied upon by the company, plus cash and other assets, less any liabilities.

[11] *See* proposed Nasdaq IM–5101–3(c).

[12] *See* proposed Nasdaq IM–5101–3(e). Under the proposed rule language, the facility ''should provide services consistent with those provided by custodians and these must include: storage and safeguarding; insurance; transfer of the raw material or other commodity in and out of the facility; visual inspections, spot checks and assays; confirmation of deliveries to supplier packing lists; and reporting of transfers and of inventory to the [commodity stockpiling company] and its auditors.'' The company must oversee the third party storage facility with its committee of independent directors.

[13] *See* proposed Nasdaq IM–5101–3(f). The independent directors may rely upon and shall have the authority to engage and pay an industry expert in conducting this review. If the company's board of directors disagrees with or does not accept the recommendations of the committee, the company will be required to file a Form 8–K with the Commission outlining the relevant events, the committee's determinations and recommendations, and the rationale for the board of directors' determination.

potential conflicts have been identified.[14]

III. Comment Letter

The Commission received one comment letter on the proposal.[15] The commenter, a shareholder in SMG Indium Resources Ltd. (''SMG''), supported the proposal and stated, among other things, that approval of the proposal would ''support making the market for commodities, such as [i]ndium, more efficient and transparent by providing investors * * * with an easier and more cost-effective alternative for investing in such commodities.'' This commenter further noted that, unlike commodity-based trust shares, which are designed along the lines of an exchange-traded fund (''ETF'') structure and offer exposure to very liquid and actively-traded commodities, commodity stockpiling companies ''provide investment exposure to select strategic and commercial commodities which do not have substantial liquid and active trading markets nor extensive and well developed derivative and/or spot markets and pricing mechanisms.'' The commenter explained his view that the proposed listing standards would assure appropriate investor protection in connection with the listing of commodity stockpiling companies, and cited particular aspects of the proposal, including the frequency and source of pricing information, the requirement to calculate and disseminate net market value, and the use of third-party storage facilities.

IV. Discussion

Under Section 19(b)(2)(C) of the Act, the Commission shall approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act, and the rules and regulations thereunder that are applicable to such organization.[16] The Commission shall disapprove a proposed rule change if it does not make such a finding.[17] The Commission's Rules of Practice, under Rule 700(b)(3), state that the ''burden to demonstrate that a proposed rule change is consistent with the [Act] * * * is on the self-regulatory organization that proposed the rule change'' and that a ''mere assertion that the proposed rule change is consistent with those requirements * * * is not sufficient.''[18]

After careful consideration, the Commission does not find that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[19] In particular, the Commission does not find that the proposed rule change is consistent with Section 6(b)(5) of the Act,[20] which requires that the rules of a national securities exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.

The development and enforcement of appropriate standards governing the initial and continued listing of securities on an exchange is an activity of critical importance to financial markets and the investing public.[21] Listing standards, among other things, serve as a means for an exchange to screen issuers and to provide listed status only to bona fide companies that have or, in the case of an initial public offering, will have sufficient public float, investor base, and trading interest to provide the depth and liquidity necessary to promote fair and orderly markets. Adequate listing standards are especially important given the expectations of investors that exchanges will appropriately vet listed companies and effectively monitor the fairness and efficiency of trading in the securities of listed companies on the exchange. A critical aspect of assuring fair and efficient exchange trading is the widespread availability of timely and reliable information that will directly impact the price of the listed security. This is particularly true for derivatives and other similar securities, where the price of the listed security is highly correlated with the price of the underlying securities or commodities.[22] Further, the rules of the exchange should provide appropriate mechanisms to assure effective surveillance of trading in listed companies to deter and detect manipulation, fraud or other illegal practices.

Nasdaq's proposal would authorize a national securities exchange, for the first time, to list the securities of an operating company that simply plans to buy and hold a commodity or other raw material. A liquid market may not exist for the underlying commodity or other raw material to be held by the commodity stockpiling company. Indeed, the commenter, an SMG shareholder, noted that commodity stockpiling companies ''provide investment exposure to select strategic and commercial commodities which do not have substantial liquid and active trading markets nor extensive and well developed derivative and/or spot markets and pricing mechanisms,'' but believed that the proposed listing standards would provide adequate investor protections.

In the Order Instituting Disapproval Proceedings, however, the Commission noted several concerns that raised questions as to whether the Nasdaq proposal is consistent with the requirements of Section 6(b)(5) of the Act, including whether the nature of the required pricing information, and the frequency and manner of its dissemination, would prevent manipulation, promote just and

[14] *See* proposed Nasdaq Rule 5605(c)(3) and IM–5605. Under the proposal, the procedures should include any material amendment to the management agreement, including any change with respect to the compensation of the manager.

[15] *See,* note 5, *supra.*

[16] 15 U.S.C. 78s(b)(2)(C)(i).

[17] 15 U.S.C. 78s(b)(2)(C)(ii); *see also* 17 CFR 201.700(b)(3) and note 18 *infra,* and accompanying text.

[18] 17 CFR 201.700(b)(3). The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding. *See id.* Any failure of a self-regulatory organization to provide the information solicited by Form 19b–4 may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the [Act] and the rules and regulations issued thereunder that are applicable to the self-regulatory organization. *Id.*

[19] In disapproving the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78f(b)(5).

[21] *See, e.g.,* Securities Exchange Release Act No. 58228 (July 25, 2008), 73 FR 44794 (July 31, 2008).

[22] *See, e.g.,* Securities Exchange Act Release No. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (approving the New York Stock Exchange's (''NYSE'') proposal for the listing and trading of streetTRACKS Gold Shares (''Gold Shares'')). In its approval order, the Commission noted that the gold spot market is extremely deep and liquid, and that reliable gold price information is available to investors in the Gold Shares. Further, the trustee for the Gold Shares agreed to provide on its public Web site continuously updated information, from an unaffiliated source, with respect to the spot price of gold, as well as the intraday indicative value (the estimated net asset value) of a Gold Share on an essentially real-time basis. In its approval order, the Commission found that the dissemination of this information would facilitate transparency with respect to the Gold Shares and diminish the risk of manipulation or unfair informational advantage. The Commission also found that the unique liquidity and depth of the gold market, together with an intermarket surveillance sharing agreement with a futures market related to gold financial instruments and the adoption of specific NYSE rules to address and monitor dealings by Gold Share market makers and their member firms in the underlying gold market, would create the basis for NYSE to monitor for fraudulent and manipulative practices in the trading of the Gold Shares. *Id.*

equitable principles of trade, perfect the mechanism of a free and open market and the national market system, or protect investors and the public interest.[23] Specifically, the Commission stated that the proposal raises issues as to: (1) Whether the dissemination of up-to-date pricing information twice per week about the sole asset of an operating company would be sufficient to support the fair and efficient exchange trading of its securities; (2) in the absence of a liquid and transparent market for the commodity or other raw material held by the company, whether the pricing information from the ''independent source'' would in fact have sufficient reliability and integrity, or whether there are risks that information could be manipulated; (3) whether there would be risks such pricing information may be available to some market participants sooner than others, thereby giving the former an unfair trading advantage; and (4) whether Nasdaq's proposal adequately addresses any special risks to investors that might be presented by the exchange trading of an operating company in the business solely of stockpiling an illiquid commodity.

The Commission invited interested persons to submit written views with respect to these or other concerns with the Nasdaq proposal. Neither Nasdaq nor any other person submitted comments in response to the Commission's request.

The Commission remains concerned about the issues raised in the Order Instituting Disapproval Proceedings. Under the Nasdaq proposal, the business plan of a ''commodity stockpiling company'' that could be listed on Nasdaq would simply be to purchase and stockpile raw materials or other commodities, with the result that the sole asset of the listed company could be a relatively illiquid commodity. Accordingly, the value of the equity securities of the commodity stockpiling company would depend almost exclusively on the value of the underlying commodity.

The Commission is concerned that Nasdaq's proposal, to permit dissemination of up-to-date pricing information on the commodity stockpiled as infrequently as twice per week, would be inadequate for market participants to fairly and efficiently assess the value of the listed company and trade its securities on the exchange.[24] In addition, the Commission is concerned that, if the market for the commodity stockpiled is illiquid and opaque, the pricing information disseminated at least biweekly by the ''independent source'' may in fact not be reliable, despite the best efforts of the pricing service. The Commission notes that the proposal does not define what would constitute a ''reliable, independent source'' and does not set forth any standards to ensure the reliability and integrity of the pricing information of the underlying commodity or other raw material. Finally, the Commission is concerned that, because of the potential infrequency and irregularity of pricing information on the underlying commodity, and its consequent importance, there is a risk that some market participants—perhaps those party to, or with knowledge of, the transaction in the underlying commodity—would have access to price-moving market information before it is reported to the pricing service and publicly disseminated in accordance with the Nasdaq proposal. This could provide an opportunity for an unfair trading advantage in the securities of the commodity stockpiling company to those with advance access to any information that affects pricing. In addition, there might be the potential for manipulation through the reporting of false or misleading transaction information to the pricing service. This type of activity could be facilitated by the fact that transactions in illiquid markets are infrequent and often self-reported by the parties in the trade. The incentive to utilize an unfair trading advantage or to manipulate prices in this way could be magnified by the exchange listing of an investment vehicle that allowed someone to profit from such an advantage or manipulation.

Because of these issues with respect to the nature of the required pricing information, and the frequency and manner of its dissemination, the Commission is concerned the proposal is not designed, among other things, to prevent manipulation, promote just and equitable principles of trade, perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest, as required by Section 6(b)(5) of the Exchange Act. Nasdaq did not respond to, or otherwise address, any of these concerns, which were articulated by the Commission in the Order Instituting Disapproval Proceedings. As noted above, Rule 700(b)(3) of the Commission's Rules of Practice states that the ''burden to demonstrate that a proposed rule change is consistent with the [Act] * * * is on the self-regulatory organization that proposed the rule change'' and that a ''mere assertion that the proposed rule change is consistent with those requirements * * * is not sufficient.''[25]

For the reasons set forth above, the Commission does not believe that the Exchange has met its burden to demonstrate that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder.

V. Conclusion

For the foregoing reasons, the Commission does not find that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, Section 6(b)(5) of the Act.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (SR–NASDAQ–2010–134) be, and it hereby is, disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–15674 Filed 6–22–11; 8:45 am]

BILLING CODE 8011–01–P

[23] *See supra* note 6.

[24] The sole comment letter stated that Nasdaq's proposal would allow companies such as SMG to list its securities on Nasdaq. The commenter states that indium does not ''have substantial liquid and active trading markets nor extensive and well developed derivative and/or spot markets and pricing mechanisms.'' *See* note 5, *supra.* The commenter notes that SMG has engaged Metal Bulletin PLC to be the pricing source of indium. According to the commenter, Metal Bulletin publishes indium prices twice per week, on Wednesdays and Fridays, and the source of the price information can be any entity regularly involved in buying or selling indium (currently five producers, four consumers, and three large traders). The commenter notes that Metal Bulletin requests trade information from these sources (such as price, quantity, date of transactions and location or origin of material), and then publishes the final price after adjustment for outliers, provided that a minimum of six sources provided trading information.

[25] 17 CFR 201.700(b)(3).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–64696; File No. SR–NASDAQ–2011–083]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Anti-Internalization Functionality for Registered Market Makers on the NASDAQ Options Market

June 17, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on June 14, 2011, The NASDAQ Stock Market LLC (the ''Exchange'' or ''NASDAQ'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing this proposed rule change to adopt anti-internalization functionality for registered market makers on the NASDAQ Options Market. NASDAQ proposes to implement the rule change thirty days after the date of filing or as soon thereafter as practicable. The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/*, at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to provide anti-internalization (''AIQ'') functionality to registered market makers on the NASDAQ Options Market. Under the proposal, quotes and orders entered by market makers using the same market participant identifier (''MPID'') will automatically be prevented from interacting with each other in the System. Rather than executing quotes or orders from the same MPID, the System will instead cancel the oldest of the quotes and orders back to the entering party.

Anti-internalization functionality was requested by market makers or those considering making markets on NOM. Anti-internalization processing is available only to market makers and only on an individual MPID basis. Registered market makers that conduct order entry business via alternative MPIDs will not be afforded the protection of AIQ functionality with respect to such alternative MPIDs. NASDAQ considered making AIQ functionality available to other participants, but rejected that approach due to lack of interest and to maintain simplicity of system processing.[3]

Anti-internalization functionality is widely available and has been for many years.[4] It is designed to assist market participants in complying with certain rules and regulations of the Employee Retirement Income Security Act (''ERISA'') that preclude and/or limit managing broker-dealers of such accounts from trading as principal with orders generated for those accounts. It can also assist market makers in reducing trading costs from unwanted executions potentially resulting from the interaction of executable buy and sell trading interest from the same firm when performing the same market making function.

NASDAQ notes that use of the functionality does not relieve or otherwise modify the duty of best execution owed to orders received from public customers. Options market makers generally do not display customer orders in market making quotations, opting instead to enter customer orders using separate identifiers. In the event that an options market maker opts to include a customer order within a market making quotation, the market maker must take appropriate steps to ensure that public customer orders that do not execute due to anti-internalization functionality ultimately receive the same execution price (or better) they would have originally obtained if execution of the order was not inhibited by the functionality.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and with Sections 6(b)(5) of the Act,[6] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change is consistent with this provision in that it assists market makers in performing their quotation obligations, and prevents market makers from violating applicable provisions of ERISA. Market makers remain able to utilize alternative MPIDs without the use of AIQ functionality.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] If demand should arise from other participants, NASDAQ will reconsider providing this functionality to all participants at that time.

[4] *See, e.g.,* NASDAQ Rule 4757(a)(4), NYSE Arca Equities Rule 7.31(qq)(2), and BATS Rule 11.9(f)(2).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

19(b)(3)(A) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2011–083 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2011–083. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2011–083 and should be submitted on or before July 14, 2011.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Cathy H. Ahn,

Deputy Secretary.

[FR Doc. 2011–15671 Filed 6–22–11; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Animal Cloning Sciences, Inc. (n/k/a Bancorp Energy, Inc.): Order of Suspension of Trading

June 21, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Animal Cloning Sciences, Inc. (n/k/a Bancorp Energy, Inc.) because it has not filed any periodic reports since the period ended September 30, 2009.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m. EDT on June 21, 2011, through 11:59 p.m. EDT on July 5, 2011.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2011–15829 Filed 6–21–11; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Shiming U.S., Inc., Si Mei Te Food Ltd. (f/k/a China Discovery Acquisition Corp.), Sierra International Group, Inc., and SJ Electronics, Inc.; Order of Suspension of Trading

June 21, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Shiming U.S., Inc. because it has not filed any periodic reports since the period ended June 30, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Si Mei Te Food Ltd. (f/k/a China Discovery Acquisition Corp.) because it has not filed any periodic reports since the period ended December 31, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Sierra International Group, Inc. because it has not filed any periodic reports since June 30, 2010. The only other periodic report filed by the company was a Form 10–QSB for the period ended September 30, 2002.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of SJ Electronics, Inc. because it has not filed any periodic reports since the period ended June 30, 2008.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 21, 2011, through 11:59 p.m. EDT on July 5, 2011.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2011–15825 Filed 6–21–11; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12643 and #12644]

Vermont Disaster #VT–00019

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Vermont (FEMA–1995–DR), dated 06/15/2011.

Incident: Severe Storms and Flooding.

Incident Period: 04/23/2011 through 05/09/2011.

Effective Date: 06/15/2011.

Physical Loan Application Deadline Date: 08/15/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/15/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/15/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Addison, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orleans.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12643B and for economic injury is 12644B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–15660 Filed 6–22–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12562 and #12563]

Arkansas Disaster Number AR–00049

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA–1975–DR), dated 05/02/2011.

Incident: Severe Storms, Tornadoes, and Associated Flooding.

Incident Period: 04/14/2011 through 06/03/2011.

Effective Date: 06/06/2011.

Physical Loan Application Deadline Date: 07/01/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 02/02/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Arkansas, dated 05/02/2011, is hereby amended to re-establish the incident period for this disaster as beginning 04/14/2011 and continuing through 06/03/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–15662 Filed 6–22–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12639 and #12640]

Massachusetts Disaster #MA–00037

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Massachusetts (FEMA—1994—DR), dated 06/15/2011.

Incident: Severe Storms and Tornadoes.

Incident Period: 06/01/2011.

Effective Date: 06/15/2011.

Physical Loan Application Deadline Date: 08/15/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/15/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/15/2011, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hampden.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.000
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12639B and for economic injury is 12640B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–15668 Filed 6–22–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12637 and #12638]

Massachusetts Disaster #MA–00036

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Massachusetts (FEMA—1994—DR), dated 06/15/2011.

Incident: Severe Storms and Tornadoes.

Incident Period: 06/01/2011.

Effective Date: 06/15/2011.

Physical Loan Application Deadline Date: 08/15/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/15/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/15/2011, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Hampden, Worcester.

Contiguous Counties (Economic Injury Loans Only):

Massachusetts: Berkshire, Franklin, Hampshire, Middlesex, Norfolk.

Connecticut: Hartford, Litchfield, Tolland, Windham.

New Hampshire: Cheshire, Hillsborough.

Rhode Island: Providence.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.375
Homeowners Without Credit Available Elsewhere	2.688
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.250
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12637B and for economic injury is 126380.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–15663 Filed 6–22–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12560 and #12561]

Arkansas Disaster Number AR–00048

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 7.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Arkansas (FEMA–1975–DR), dated 05/02/2011.

Incident: Severe Storms, Tornadoes, and Associated Flooding.

Incident Period: 04/14/2011 and continuing through 06/03/2011.

Effective Date: 06/06/2011.

Physical Loan Application Deadline Date: 08/01/2011.

EIDL Loan Application Deadline Date: 02/02/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Arkansas, dated 05/02/2011 is hereby amended to re-establish the incident period for this disaster as beginning 04/14/2011 and continuing through 06/03/2011.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–15661 Filed 6–22–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12641 and #12642]

Vermont Disaster #VT–00018

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA—1995—DR), dated 06/15/2011.

Incident: Severe Storms and Flooding.

Incident Period: 04/23/2011 through 05/09/2011.

DATES: *Effective Date:* June 15, 2011.

Physical Loan Application Deadline Date: 08/15/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 03/15/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/15/2011, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Addison, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orleans.

Contiguous Counties (Economic Injury Loans Only):

Vermont: Caledonia, Orange, Rutland, Washington, Windsor.

New Hampshire: Coos, Grafton.

New York: Clinton, Essex, Washington.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.375

	Percent
Homeowners Without Credit Available Elsewhere	2.688
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.250
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12641B and for economic injury is 126420.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–15655 Filed 6–22–11; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12562 and #12563]

Arkansas Disaster Number AR–00049

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Arkansas (FEMA–1975–DR), dated 05/02/2011 .

Incident: Severe Storms, Tornadoes, and Associated Flooding.

Incident Period: 04/14/2011 through 06/03/2011.

Effective Date: 06/16/2011.

Physical Loan Application Deadline Date: 07/01/2011.

Economic Injury (EIDL) Loan Application Deadline Date: 02/02/2012.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Arkansas, dated 05/02/2011, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Arkansas, Monroe, Phillips, Poinsett.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2011–15657 Filed 6–22–11; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

ITS Joint Program Office; Core System Requirements Walkthrough and Architecture Proposal Review Meetings and Webinars; Notice of Public Meeting

AGENCY: Research and Innovative Technology Administration, U.S. Department of Transportation.

ACTION: Notice.

On June 13, 2011, a notice announcing two free public meetings with accompanying webinars was to have taken place later this month and in September 2011. The dates of the meetings and webinars were incorrect. The USDOT is publishing this notice to correct the dates.

The USDOT ITS Joint Program Office (ITS JPO) will host two free public meetings with accompanying webinars to discuss the Vehicle to Infrastructure (V2I) Core System Requirements and Architecture Proposal. The first meeting, June 28–30, 2011, 9 a.m.–4:30 p.m. at the University of California—Washington Center, 1608 Rhode Island Ave., NW., Washington, DC 20036; (202) 974–6200, will walk through the review of System Requirements Specification and Architecture Proposal. The second meeting will be a review of the System Requirements Specification and Architecture Proposal and will take place on September 20–22, 2011, 9 a.m.–4:30 p.m. at the San Jose Garden Inn, 1740 North First Street, San Jose, CA 95112; (408) 793–3300. To learn more about the ITS JPO, visit the program's Web site at *http://www.its.dot.gov.*

The V2I Core System will support applications for safety, mobility, and sustainability for various modes of transportation including passenger vehicles, transit, and heavy trucks. This is the successor to work originally performed under the Vehicle Infrastructure Integration Proof of Concept (VII POC). The Core System supports a distributed, diverse set of applications.

Connected Vehicle research at the USDOT is a multimodal program that involves using wireless communication between vehicles, infrastructure, and personal communications devices to improve safety, mobility, and environmental sustainability. The program is the major research initiative of the ITS JPO which is currently working with the eight major automotive companies to develop vehicle crash warning applications using Dedicated Short Range Communications (DSRC) technology. In addition, the ITS JPO is working to develop a myriad of applications which will use data collected from connected vehicles that can improve safety, mobility and sustainability. There is also connected vehicle-related research in the areas of standards, data collection, certification, policy, road weather, and public transportation.

Persons planning to attend the first public meeting should send their full name, organization, and business e-mail address to Adam Hoops at ITS America at *Ahopps@ITSA.org* by June 24, 2011. Persons planning to attend the second public meeting should send their full name, organization, and business e-mail address to Adam Hoops at ITS America at *Ahopps@ITSA.org* by September 15, 2011. Please note that if you are planning to register for the webinar, please mention which webinar you will be participating in. Details about how to participate in the webinars will be e-mailed to you. For additional questions, please contact Adam Hoops at (202) 680–0091.

Issued in Washington, DC, on the 16th day of June 2011.

John Augustine,

Managing Director, ITS Joint Program Office.

[FR Doc. 2011–15687 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–HY–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Shell Lake Municipal Airport, Shell Lake, WI

AGENCY: Federal Aviation Administration, DOT

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to authorize the release of 0.101 acres of the airport property at the

Shell Lake Municipal Airport, Shell Lake, WI.

A recently-completed boundary survey of the airport found that a privately-owned structure encroaches onto land owned by the airport. This finding has resulted in a proposal to transfer the affected parcel of airport land to the neighboring owner in exchange for that owner transferring a parcel of its own land to the airport. Release of the 0.101 acre parcel from land assurances would allow the encroaching structure to remain standing. The parcel to be acquired by the airport in the land exchange (0.021 acres) would give the airport ownership of a key parcel of land located within the 14 CFR part 77-defined, primary surface of Runway 14/32.

A categorical exclusion for this land release action was prepared by Wisconsin Dept. of Transportation–Bureau of Aeronautics and issued on February 28, 2011.

The aforementioned land is not needed for aeronautical use, as shown on the Airport Layout Plan. There are no impacts to the airport by allowing the airport to dispose of the property.

The parcel to be released was originally acquired with local funds in 1961. To compensate for the uneven exchange of land area (0.101 acres to be released by the airport vs. 0.021 acres to be acquired by the airport), the airport will receive $1,000 in additional compensation to be used at the airport for maintenance and/or improvement purposes.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before July 25, 2011.

ADDRESSES: Mr. Daniel J. Millenacker, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450–2706. Telephone Number (612) 713–4350/Fax Number (612) 713–4364. Documents reflecting this FAA action may be reviewed at the following locations: Federal Aviation Administration, Minneapolis Airports District Office, Delta F Building, 7200 34th Ave. So., Suite B, Minneapolis, MN 55450; or at the Wisconsin Department of Transportation, 4802 Sheboygan Ave., Room 701, Madison, WI 53707.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel J. Millenacker, Program Manager, Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450–2706. Telephone Number (612) 713–4350/Fax Number (612)713–4364. Documents reflecting this FAA action may be reviewed at the following locations: Federal Aviation Administration, Minneapolis Airports District Office, Delta F Building, 7200 34th Ave. So., Suite B, Minneapolis, MN 55450; or at the Wisconsin Department of Transportation, 4802 Sheboygan Ave., Room 701, Madison, WI 53707.

SUPPLEMENTARY INFORMATION: Following is a description of the subject airport property to be released at Shell Lake Municipal Airport in Shell Lake, Wisconsin and described as follows:

Parcel of land in Government Lot 3, Section 36, T38N, R13W, 4th Principal Meridian extended, City of Shell Lake, Washburn County, Wisconsin.

Said parcel subject to all easements, restrictions, and reservations of record.

Issued in Minneapolis, MN on May 31, 2011.

Steven J. Obenauer,

Manager, Minneapolis Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2011–15744 Filed 6–22–11; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

West Los Angeles VA Medical Center Veterans Programs Enhancement Act of 1998; Master Plan

AGENCY: Department of Veterans Affairs.

ACTION: Final Notice.

SUMMARY: On January 19, 2011, the Department of Veterans Affairs (VA) published a notice in the **Federal Register** inviting public comment on the Draft Master Plan (DMP) for the West Los Angeles VA Medical Center. This document responds to the public comments received and affirms as final, with no changes, that Draft Master Plan.

FOR FURTHER INFORMATION CONTACT: For Master Plan issues, contact Ralph Tillman, Chief of Communications and External Affairs, Greater Los Angeles Healthcare System (00PA), Department of Veterans Affairs, 11301 Wilshire Boulevard, Los Angeles, CA 90073. Telephone: (310) 268–3340 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: In a notice published on January 19, 2011 [76 FR 3209], VA presented its Draft Master Plan for the West Los Angeles VA Medical Center campus (hereafter ''WLA campus'') of the VA Greater Los Angeles Healthcare System (VA GLAHS), and solicited public comment on the DMP for a period of 30 days. The purpose of the DMP was to satisfy the legislative mandate of the Veterans Programs Enhancement Act of 1998 regarding ''a master plan for the use of the lands * * * over the next 25 years and over the next 50 years.'' This is a land use plan that guides the physical development of the campus to support its mission of patient care, teaching, and research. The plan reflects legislative restrictions on the property and discusses developmental goals and design objectives for the campus. The plan includes guidelines and criteria for land use and reuse on the campus, which provides a variety of services including inpatient and outpatient medical care, rehabilitation, residential care, mental health care and long-term care services. In addition, the campus serves as a center for medical research and education.

We received 29 comments on the DMP. All of the comments opposed at least one portion of the DMP. The majority of comments included one or more of the following topics: homeless housing for veterans on the WLA campus, existing land use, bicycle access within or through the campus, and the plan's level of detail regarding specific projects. The subject matter of most of the comments can be grouped into several categories, and we have organized our discussion of the comments accordingly.

Comments Concerning Homeless Housing

There were a number of comments regarding how the DMP addressed homeless housing for veterans, particularly permanent housing on the grounds of the WLA campus. A single commenter expressed concern that increasing services to homeless veterans would negatively impact the surrounding community, stating that the VA already attracts ''homeless pedestrians'' who ''offend customers by requesting donations.'' The eradication of homelessness among veterans has been deemed a priority mission by Secretary Shinseki, and it is only in pursuing that mission that vagrancy problems are likely to be eliminated. We therefore make no change based on this comment.

The majority of commenters believed the DMP should address the increased need for housing and services by veterans who are homeless. The DMP did address this issue, under the heading, ''Community Care/Homeless Programs.'' (p. 38) This section details the numbers of emergency shelter beds (55), transitional housing beds (1,500),

Department of Housing and Urban Development (HUD) Section 8 permanent housing vouchers (940), and community residential beds for veterans with chronic disabilities (300). In addition, under the heading, ''Domiciliary Residential Rehabilitation and Treatment,'' the plan describes the existing 321-bed facility, which houses both male and female veterans and provides coordinated, integrated, rehabilitative, and restorative mental health care in a residential program. (p. 38)

Several commenters expressed concern that plans to renovate Building 209 were not sufficient to meet the need for homeless veterans housing. Citing a pressing need and possible cost efficiencies, several commenters suggested that Buildings 205 and 208 be renovated at the same time as building 209. The DMP states that Buildings 205, 208, and 209 have been identified for potential renovation, to serve as housing for homeless veterans. As stated in the DMP, VA ''* * * does not commit to any specific project, construction schedule, or funding priority.'' As projects are further evaluated and authorized, both the needs of the veterans and the historical and environmental impacts of the projects will be considered. We therefore make no change based on this comment.

Some commenters suggested that VA was negligent in its responsibility towards homeless veterans, specifically stating that VA GLAHS was remiss in not providing shelter. In response, we note that VA GLAHS has one of the most recognized programs in the nation for serving homeless veterans, called the Comprehensive Homeless Center. The Comprehensive Homeless Center has many components dedicated to providing shelter for homeless veterans including: access to extended residential care for veterans with serious mental health and medical problems through the aforementioned VA GLAHS Domiciliary, which has 321 beds; case management of over 1,500 veterans with mental health issues living independently in the community through the HUD–VA Supported Housing Program; case management of approximately 300 veterans with a diagnosis of mental illness in board and care and assisted living facilities; same-day access to primary care, mental health care, and housing placement at the centralized screening clinic; and specialty dual diagnosis housing programs for veterans with both mental health and substance abuse issues. In particular, we note that VA operates a widely recognized transitional housing program on the WLA campus, where approximately 1,200 community transitional housing beds have been secured for homeless veterans. Veterans in transitional housing programs stay for 3-to-18 months while receiving a range of medical, mental health and rehabilitative services; a high percentage of veterans who complete this transitional housing program move on to independent housing.

In addition, the Comprehensive Homeless Center helps homeless veterans develop the skills they need to find jobs that will keep them off the streets. Homeless veterans are provided access to vocational rehabilitation and job-finding programs through private agencies with funding provided by the VA and the Department of Labor's Homeless Veterans Reintegration Program.

The Comprehensive Homeless Center has an active outreach program. Great efforts are made to locate homeless veterans at homeless congregating areas like shelters and rescue missions. Outreach efforts also include area jails for incarcerated homeless veterans.

Because VA GLAHS is already providing these extensive programs to end homelessness among veterans, we make no changes based on these comments.

One commenter was concerned with the fact that the WLA campus has a zero-tolerance policy toward alcohol and drug use on campus, and how that policy affects our programs for homeless veterans.

Substance abuse is a persistent and recurring issue among homeless veterans, especially those coping with mental health problems such as PTSD. The WLA campus is a drug- and alcohol-free campus, and as such does not support a ''housing first'' model of care. The ''housing first'' approach provides housing for individuals regardless of whether or not they are currently abusing drugs and/or alcohol. This model differs from traditional approaches that require clients to reach a certain level of functioning through treatment before receiving long-term housing. In order to maintain a substance-free campus for the benefit of veterans undergoing treatment, VA GLAHS partners with various off-campus organizations and agencies throughout Greater Los Angeles to safely house and work with veterans who fall within the ''housing first'' criteria. We therefore make no change based on this comment.

Comments on Existing Land Use Agreements

A number of commenters expressed concerns regarding existing land use agreements on the WLA campus. These commenters listed the various agreements, and called for the cancellation of all agreements with ''* * * all commercial, non-profit, special-interest, non-Veteran entities,'' expressing the belief that these agreements were a misappropriation of veterans land. The approved Capital Asset Realignment Enhanced Services (CARES) plan, which included public participation, allowed for retaining existing Enhanced Sharing Agreements (ESA) until their respective expiration. It is expected that renewal of these ESAs, as well as any new ESAs will need to adhere to the guiding principles and criteria set forth in the DMP, once the DMP is finalized. Furthermore, each of the existing agreements was executed pursuant to and in accordance with 38 U.S.C. 8151–8153 (commonly referred to as VA's enhanced sharing authority). The existing agreements benefit the veterans' community in some way. For example, the ESA with the University of California at Los Angeles (UCLA) that covers the Jackie Robinson Memorial Stadium provides veterans' organizations such as the American Legion with access to athletic facilities, as well as providing free admission to veterans for all home baseball games.

We also received comments regarding the Veterans Park Conservancy (VPC) agreement. These commenters each brought up a misperception that the VPC agreement will create a park for the public and not for veterans. To clarify, the Veterans Memorial Park exists and is being used for the benefit of veterans, to enhance and support patient-centered care, recreation therapy and mental health programs and staff. The area will have limited public access, as does the rest of the WLA campus. There was concern expressed by one commenter regarding Megan's Law, should children be present on the campus where veterans who are convicted sex offenders may reside. Again, the campus is a place for veterans to heal, and is not available for traditional public use. The development of a Veterans Memorial Park does not in any way change the local policy on public use of the grounds. Megan's Law applies the same today as it will when the VPC project is completed.

One commenter stated that the ''inclusion of the State Veterans Home as Federal VA land in all maps'' was not consistent with the DMP, which states that 13.5 acres were transferred to the State of California via a quitclaim deed for the use of the State Veterans Home. The acreage in question was in fact deeded to the State of California in March 2007. The transfer took place

prior to congressionally imposed restrictions on the use of the 388 acres composing West LA, *i.e.* Section 224 (a) of the Consolidated Appropriations Act, 2008, Public Law 110–161. The section of the DMP that covers Zone 2, the zone that borders the State Veterans Home, contains a map that reflects this transfer and defines the Zone as ''up to the new California State Veterans Home.'' The 13.5 acre area on which the State Veterans Home is located is not included as within the boundary of Zone 2, as it is in fact State property. (pg. 28)

We also received comments about the parking lot at Barrington Park, which is under the jurisdiction and control of, and operated by, the City of Los Angeles. Some commenters reported that potentially homeless individuals sleep in cars and other vehicles overnight in the lot. As that parking lot is not within VA's jurisdiction and control, we make no change to the DMP due to this information.

We received one comment regarding the Army Reserve area adjacent to the west side of the south area of the WLA campus. Specifically, the commenter asked whether this area will become VA property, should the Army Reserve no longer have need for this area. The land was part of an inter-agency transfer of property to the U.S. Corps of Engineers in 1955. VA does not have a legal interest in the disposition of that property. Therefore, we make no change in the DMP due to this comment.

Comments That the DMP Lacks Specificity

There were a number of comments regarding the specific details of projects and land use programs addressed in the DMP. The DMP is a general use plan, and is inherently not project-specific.

Commenters sought more detail on the heights of buildings, the operating hours of projects once completed, the distance from proposed project sites to residential homes, square footage of projects, cost projections, environmental and historical impact, and many other project-specific details.

As stated in the plan, VA ''does not commit to any specific project, construction schedule, or funding priority.'' As projects are further evaluated and authorized, both the needs of the veterans and the historical and environmental impacts of the projects will be considered. Several of these comments were in regard to the specific prioritization and timeline for conversion of Buildings 205, 208 and 209.

One commenter expressed concern that the DMP inhibited new programs on the WLA campus by creating a ''maze of redundant processes and unnecessary roadblocks to Veteran-friendly development.'' The DMP incorporates legislative decisions such as Public Law 100–322, section 421(b)(2), which restrict development with respect to public-private partnerships. VA GLAHS will abide by the guidelines and criteria set forth in the DMP with respect to land use opportunities that provide direct benefit for veterans.

One commenter was concerned that the DMP did not advance the CARES plan, expressing that the CARES process should have included a needs assessment of all under-utilized and vacant asset on the WLA campus. A needs assessment was indeed performed during the CARES process, during VA's subsequent Strategic Capital Investment Planning (SCIP) process, and preparation of the DMP, to identify the assets that can be redirected to better serve the needs of veterans. Therefore, we make no changes based on these comments.

Concerns That the DMP Fails To Abide by Restrictions of the 1888 Deed

Several commenters felt that the 1888 deed granting the West Los Angeles land formed a charitable trust that requires VA, as trustee of the purported trust, to maintain a National Home for Veterans. Some of these commenters felt that the DMP was a violation of that purported trust by suggesting the land be used for purposes other than housing veterans. VA disagrees with the assertion that the 1888 deed rendered VA a charitable trustee for the WLA campus. The 1888 deed contained certain language expressing the donor's desire that a National Home for Veterans (NHV) be built on the underlying property that was donated to the United States, which land is now under VA's jurisdiction and control. The donor's desire, while merely an expression of purpose and intent of the donation, has been satisfied, as a NHV was built on the WLA campus. Notably, the NHV still exists on the campus.

Moreover, in *Farquhar* v. *United States,* 912 F.2d 468 (9th Cir. 1990), descendents of the original land donors previously challenged the ability of the United States to transfer a portion of the land donated under the 1888 deed. In denying the descendants' position, the U.S. Court of Appeals for the Ninth Circuit held that the creation of the NHV (*i.e.,* the Pacific Branch of the National Home for Disabled Volunteer Soldiers) in the same year that the land was originally deeded to the United States, satisfied the donor's desire (*i.e.,* purpose and intent) for donating the land to the United States.

Based on the foregoing, we make no change based on this comment.

Comments on Transit Services and Traffic Issues

Several commenters weighed in on transit services and traffic issues, particularly regarding potential bicycle access on the WLA campus and on the grounds of the Los Angeles National Cemetery. The majority of these comments expressed a desire to include in the DMP access that reflects ''* * *the needs of the cycling community.'' Several commenters expressed a desire to use the National Cemetery as a thoroughfare for cyclists. While we would encourage certain of our veterans to cycle for their health, to encourage cycling on campus and on National Cemetery property would almost exclusively benefit the public, and not veterans. The additional traffic and security concerns that would accompany any increase in cycling activity, combined with the fact that it is not primarily of benefit to veterans, makes including this kind of access for cycling on campus undesirable; however, as projects are further developed and approved, this issue will be further evaluated through VA's compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.* Therefore, we make no changes to the DMP based on these comments.

We also received comments seeking more information on the proposed Los Angeles County Metropolitan Transit Authority (Metro) Purple Line expansion, which eventually will travel the length of Wilshire Boulevard to Santa Monica. As mentioned in the DMP, (pg. 28) the project is in the initial planning phase and there are no details to provide. Metro has proposed building a station on the WLA campus as part of this expansion project and has identified a few locations that might serve its needs. However, any such station affecting the campus would be subject to applicable law and statutory restrictions, and must not interfere with the VA GLAHS priority of maintaining the peaceful and healing environment of our health care campus.

One commenter asked if the VA would ''cooperate with the surrounding governmental jurisdictions to complete traffic studies and provide traffic mitigation for the increased traffic'' that may result from any increased land use. As stated in the DMP, traffic, parking, and circulation studies will be conducted as part of VA's compliance with NEPA. (pg. 18) Though the WLA

campus is under the jurisdiction of the Federal Government, Federal agencies generally consider State and local zoning laws and codes when undertaking any new project. We therefore make no change based on these comments.

Comments on the Need for Separate Facilities for Female Veterans

One commenter expressed concern that separate supportive housing was not available for female veterans and their children. To clarify, there is dedicated housing for women veterans as part of our Domiciliary Residential Rehabilitation and Treatment Program facility, located on the north campus in Buildings 217 and 214. The program serves male and female veterans with mental health issues such as substance abuse and/or combat trauma.

While there is no specific on-campus housing for female veterans with children, VA GLAHS has an extensive network of off-campus providers who meet this need through HUD–VA Supported Housing and Grant and Per Diem programs throughout Los Angeles County and neighboring counties. VA GLAHS's Comprehensive Homeless Center also includes a dedicated outreach team for homeless female veterans. VA GLAHS has adequate programs in place to meet the housing needs of women veterans with children.

A commenter stated that there was a need for a separate facility dedicated to the general healthcare needs of female veterans. The VA GLAHS's Women Veterans Health Program has dedicated clinicians, programs and facilities to meet the unique needs of female veterans in a safe, women-only environment. Services offered include gynecology services, breast exams and mammography, reproductive health care, and menopause treatment. Additionally, mental health services including treatment for post-traumatic stress disorder and substance abuse are also available for women. Through the Women Veterans Health Program, VA GLAHS provides female veterans the health care and mental health services they need in a safe and supportive, women-only environment. We therefore make no change based on this comment.

Comments on the National Cemetery Administration Columbarium Project

There were several comments seeking clarification regarding the National Cemetery Administration's columbarium project. The U.S. Department of Veterans Affairs is comprised of three administrations: the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. The columbarium enables VA to support the provision of Federally guaranteed benefits offered by the Veterans Benefits Administration and the National Cemetery Administration. One commenter expressed dismay that the project would lower surrounding real estate values. Another commenter felt that the columbarium project was depriving living veterans of land that might be converted to housing for the homeless. Again, the burial benefits offered veterans are entitlements provided by the Federal Government. The land designated for columbaria does not contain any structures that have been identified as potential homeless housing, so the use of the land for columbaria does not in any way deprive homeless veterans of potential living space. As projects such as the columbarium are further evaluated and authorized, both the needs of the veterans and the historical, environmental, and socio-economical impacts of the projects will be considered.

Some commenters wanted to know the exact location of the columbarium. Regarding requests for specific details regarding the size, hours of operation, and access points for this potential project that is only a concept at this stage, VA has not finalized details beyond the information that was contained in the DMP. The NEPA process is complete. The draft Environmental Assessment was released for public comment with none received. The resultant Finding of No Significant Impact was signed on February 2, 2011. We make no change to the DMP due to these comments.

Comments About Including the Public in the Planning Process

Several commenters expressed concerns that the public was not being afforded adequate time to offer input on the DMP during the public comment process. The **Federal Register** process in which VA GLAHS engaged to obtain comments from veterans and the public is the most public and transparent process available for including veterans and the public in the development of this DMP. Additionally, the DMP that was published on January 19, 2011, fully incorporates the approved CARES plan, which included a series of public hearings and meetings as part of its approval process. The DMP is also consistent with the recently released SCIP. Finally, VA GLAHS has ongoing meetings with Veteran Service Organizations, community groups, and other local stakeholders, at which recurring updates on land use at the WLA campus are provided.

Several commenters suggested that a new DMP be created. We have reviewed these comments, and while we respect the opinions of the individual commenters, VA is of the position that this DMP, once finalized, will address the mandate and meet the criteria to be submitted and serve as a final Master Plan for the WLA campus. Therefore, we make no changes based on these comments. As projects outlined in the Master Plan are further evaluated and authorized, both the needs of the veterans and the historical, environmental, and socio-economical impacts of the projects will be considered. Details of these projects will be developed and released to the public for comment through VA's compliance with NEPA.

Comments That the DMP Serves the Needs of the Community Over Those of Veterans

There were several comments to the effect that the DMP serves the needs of outside interests over those of veterans. Particularly, these comments referenced a misperception that the agreement with Veterans Park Conservancy would result in the development of a ''public park.'' This DMP provides for land use and reuse for the direct benefit of veterans, and puts in place guidelines and criteria that will assure the land is used to support the mission of offering the highest quality health care, research, education and disaster response to serve the needs of veterans and the community. The 10 Guiding Principles of the DMP clearly state the criteria that VA GLAHS will use in considering any land use or reuse, (p. 24) and none of these 10 principles reflects serving the community as a priority. While the WLA campus does exist within a community and VA GLAHS is proud to be a part of encouraging healthy communities, serving the needs of the community never takes precedence over serving the needs of the veterans. Therefore, we make no change based on these comments.

Comments That the DMP Does Not Address Therapeutic Recreation Areas for Veterans

We received several comments regarding recreation for Veterans on campus. Specifically, these commenters wanted to see the development of more outdoor sports facilities for veterans, such as a fitness center and tennis courts, *etc.*

The DMP addressed both planned recreation areas for veterans and green space where veterans can engage in

therapeutic outside activities. A fitness and recreation area, completed in 2010, is located adjacent to the west side of Building 500. It includes machines and stations where veterans can work out at their own pace, as well as a padded surface for a safe area for less ambulatory veterans to get exercise. It is open every day from dawn until dusk.

Regarding outside recreation activities, VA GLAHS continues the long tradition of having a golf course on campus for veterans. The course, operated by United States Veterans Initiative (U.S. Vets), is open from sun-up to sun-down 7 days a week, and Veteran residents and inpatients receive first priority for play. The Veteran community has second priority, finally followed by the general public as space is available. VA also has beneficial use of the athletic facilities at the Brentwood School and MacArthur Field as part of the land use agreements for those spaces.

A planned future recreational and therapeutic area for veterans is provided for under the agreement with Veterans Park Conservancy. The development of a Veterans Memorial Park will be designed in coordination with VA patient-centered care, recreation therapy and mental health programs and staff. An initial phase of the project, the historic Rose Garden, will be completed in fall of 2011. This area, located just across the street from the Domiciliary, will include meditative gardens, tables for chess and checkers, and soothing fountains, making it a space ideal for both for recreational and therapeutic use. Also on the north campus is the Japanese Garden, a peaceful environment with lush plants, waterfalls, and Koi fish for veterans to enjoy. Finally, on the south campus, adjacent to the American Red Cross facility, there are walking trails, succulent gardens and colorful native plants for veterans, as well as loved ones staying in the Fisher House, to enjoy year-round.

The agreement with UCLA for the Jackie Robinson Stadium includes free admission to home baseball games for veterans.

Physical Therapy and Recreation Therapy programs also exist to provide veterans with unique recreation experiences in a safe and supportive environment. Through these programs, veterans are able to participate in skiing, surfing, and compete in the Golden Age Games each year.

We believe that the DMP adequately addressed therapeutic recreation opportunities for veterans. Therefore, we make no changes based on these comments; however, as projects are further evaluated and authorized, opportunities to provide additional recreational areas to veterans may be considered as part of VA's compliance with NEPA.

Comments Regarding the Legality of Sharing Agreements

Two commenters challenged VA's authority to use ESAs as a contracting vehicle for land use programs on the WLA campus. ESAs are legally authorized under 38 U.S.C. 8153, a Federal statute that deals with VA land sharing agreements. All existing agreements have been legally reviewed and approved at local and national levels, and all future agreements will follow the same approval process. Therefore, we make no changes based on these comments.

Conclusion

For the foregoing reasons, we adopt the DMP without change as the Master Plan for the West Los Angeles VA Medical Center. The Master Plan is available at *http://www.losangeles.va.gov/*. The Master Plan conforms to the relevant laws in effect on the date of publication. A change in law, such as the Administration's proposed Civilian Property Realignment Act, could impact this property. If these laws change, VA will update the Master Plan accordingly.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich, Chief of Staff, Department of Veterans Affairs, approved this document on May 19, 2011, for publication.

William F. Russo,

Deputy Director, Office of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2011–15739 Filed 6–22–11; 8:45 am]

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